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PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, SECOND SESSION

SENATE—*Tuesday, July 15, 1986*

Legislative day of Monday, July 14, 1986

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, I want to thank You for the success of David Joy's surgery, even though he was 18 hours in surgery, and we just remember him now and his loved ones in a very special way.

God of our Fathers, sovereign ruler of history, we thank You for the Independence Day recess—for opportunities to be with families and constituents—accomplish home office business and work on campaigns. Thank You for safe travel and return. Now Lord, the Senate faces the pressures of a heavy agenda dominated by the tax bill, with 5 weeks to August recess after which there are only 4 weeks to adjournment sine die and 1 month to election.

Mighty God, it seems humanly impossible, but with God all things are possible. Demonstrate your availability and relevance—make leadership and Members wise in acknowledging their dependence on You and seeking Your enablement. Grant them special wisdom and guidance daily. In His name who never hurried, yet finished His monumental task for time and eternity. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, Senator SIMPSON, is recognized.

Mr. SIMPSON. Mr. President pro tempore of the Senate, I thank you.

THE SENATE'S HEAVY LOAD

Mr. SIMPSON. Again, it is always important for us to hear the words of our Chaplain, who somehow always reaches a very extraordinary pungent awareness of what we try to do here. Certainly, as I have been in my role here in the last year-and-a-half, I have noted a fine degree of cooperation and coordination with the Democratic leader and the Democratic Whip, for whom I have great admiration personally.

We have a lot to do and the people of America really do not keep score about who is winning all the credits about what we have to do. They just say, "Why don't you do it? Why don't you get the work done—and they don't go home at night and mark on the refrigerator whether the Democrats did this amendment or the Republicans did this amendment." That is the way it really is "out there."

So we have a heavy load, a heavy agenda, but the Chaplain will agree the Lord does not give us much more than we can handle. That is the way that is in life and it is going to be—can be—a spirited occasion as we try to produce some good results for the people of the United States and do it through a body we all have a deep love, respect, and admiration for. That is our job. Not fun and games. So we will get to that. I believe the phrase of the Chaplain was that it is almost "humanly" impossible to do that, but since that is the only alternative vessel we are given, we will do it with the humans and try to do it in a not inhumane way! So we now go forward with this heavy activity. Our fine leader, Senator DOLE, carefully reviewed that yesterday.

SCHEDULE

Mr. SIMPSON. Mr. President, we are at the convening hour. We have the two leaders with time under the standing order of 10 minutes each, special orders in favor of the following Senators for not to exceed 5 minutes each, Senator PROXMIRE and Senator MELCHER.

VITIATION OF HAWKINS SPECIAL ORDER

I ask unanimous consent that the special order in favor of the Senator from Florida [Mrs. HAWKINS] for today be vitiated.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. SIMPSON. There will be routine morning business not to extend beyond 12 noon with Senators permitted to speak therein for not more than 5 minutes each. At 12 noon the Senate will stand in recess until 2 p.m. in order for the weekly party caucuses to meet. At 2 o'clock, by unanimous consent, the Senate will go into executive session in order to consider the nomination of Terrence M. Scanlon under a 2-hour time agreement and a rollcall vote will occur. The Senate may then turn to any other legislative or executive items for action. Votes can be expected throughout the day. Our leader is present in the Chamber and I will yield to him the remainder of the leadership time.

The PRESIDING OFFICER. The majority leader is recognized.

DANIEL MANION—THE REAL STORY

Mr. DOLE. Mr. President, ever since we returned from the Fourth of July recess, I have been beseiged by questions from the media, and from my colleagues on the other side of the aisle as to when the majority leader was planning to revisit the Daniel Manion nomination.

There has been plenty of speculation: Is it coming up this week? Will I hold the nomination until the end of the session? Do I have the votes? Will I agree to yet another vote on his confirmation?

But in my view, these questions miss the mark. The real question—and the fundamental issue—is whether Mr. Manion is qualified to serve on the Federal appeals court in Chicago. Unfortunately, many of Mr. Manion's opponents have skipped over that basic

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question to engage in character assassination and partisan attacks.

We have heard from all the instant experts on Daniel Manion: Senate staff members, the media and liberal Senators, none of whom, I would dare say, have ever been to Indiana to find out the facts. But at least one newspaper—the Los Angeles Times—did its homework.

In an indepth article that appeared on the front page of the Times' July 13 Sunday edition, reporter Paul Houston, after traveling to Indiana, unearthed the real story: Daniel Manion is qualified to take his place on the bench. And who is making that claim? Almost everyone who has ever worked with or against him in the legal arena; and that list of supporters includes an impressive number of top-level Democrats and liberal Democrats.

We had a debate here for a couple hours about this letter signed by all the law school deans who probably never met Manion either. But when two law school deans who signed a letter condemning the nomination were told of the solid support he enjoys in Indiana, they reportedly expressed some regret over their decision to sign the letter. Of course, they are not really to blame. They had been misled by Dan's opponents, who conveniently skipped over the facts on the way to smearing Mr. Manion on the Senate floor.

I ask unanimous consent that the Los Angeles Times article entitled "Political Foes Also Support Manion Court Nomination" be made a part of the official RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, July 13, 1986]

POLITICAL FOES ALSO SUPPORT MANION COURT NOMINATION

(By Paul Houston)

SOUTH BEND, IN—Daniel A. Manion, whose nomination to the federal appeals court in Chicago has touched off a savage partisan battle and split the Senate down the middle, receives surprisingly high marks from political foes and friends alike here in his home state for both his integrity and his legal talents.

Back in Washington, Manion is portrayed by Democrats and a handful of liberal Republicans as a mediocre lawyer unfit to join the federal judiciary at the level just below the Supreme Court.

Senate opponents, who hope to sink his nomination this week after having narrowly lost a preliminary vote July 2, are backed by a raft of law school deans and reform-minded Chicago lawyers who challenge Manion's limited experience in federal court, criticize his writing ability and question his willingness to adhere to Supreme Court rulings.

Yet to many who have dealt personally with the 44-year-old Manion, all this is a bum rap.

Manion, his supporters contend, is actually a competent lawyer who has become a pawn in a larger Democratic campaign to keep President Reagan from placing qualified conservatives on the federal bench.

While acknowledging a touch of local bias, Manion's defenders here—notably Democratic lawyers, judges and former state Senate colleagues—insist that the amiable, soft-spoken South Bend attorney would be a credit to the federal appeals court.

David T. Ready, a former U.S. attorney and self-described liberal Democrat, said Republican Manion possesses the required "temperament, legal intellect, experience, fair-mindedness, judicial integrity and plain, old-fashioned willingness to work long and hard."

In fact, the real Manion may be less than coruscating, but his nomination also appears to be less than the travesty his critics suggest.

Interviews here and in Chicago and Washington, coupled with an examination of Manion's professional record, suggest an able though scarcely brilliant attorney who has become caught up in the partisan brawl.

The struggle over Manion derives extra intensity from the fact that the larger battle over judicial nominations will shape the federal courts for years to come. With 2½ years still to go in his second term, Reagan has already named 267 of the 752 judges on the federal bench—the district courts, circuit courts of appeals and the Supreme Court.

Thus, while Democrats insist that their challenge to Manion rests strictly on questions about his personal qualifications, he also appears to symbolize what many liberals see as an extreme effort by the Reagan Administration to make sure that all judicial appointees meet strict standards of ideological conformity.

"In nobody's memory has an administration tried to put in sitting judges who have prejudged all the issues," complained television producer Norman Lear, head of People for the American Way, which has opposed Manion and many other Reagan court appointments.

Here in Indiana, Manion's list of supporters includes Father Theodore M. Hesburgh, president of the University of Notre Dame and former chairman of the U.S. Civil Rights Commission; former Democratic Sen. Vance Hartke; present and former state senators; a respected Democratic judge; the chairman of the county Democratic committee here, and Democratic attorneys who have worked with and against Manion in lawsuits.

John W. Montgomery, a longtime state judge and Democratic leader here, asserts that Manion is being unjustly portrayed as an "incompetent small-town lawyer" and an ideological copy of his late father, Clarence Manion, a prominent official of the John Birch Society.

"Dan Manion is qualified. If he were not, I have enough principle about me not to say that he is," the crusty Montgomery wrote to Sen. Joseph R. Biden Jr. (D-Del.), who is managing the opposition to Manion on the Senate floor.

Attorney Douglas McFadden, a Democrat with offices in Indianapolis and Washington, said he developed "high regard" for Manion while competing with him in a complex securities fraud suit that was settled out of court—"very favorably" for Manion's client, according to another admiring attorney in the case.

"Not everybody appointed to the federal appeals court is going to be a Justice (Oliver Wendell) Holmes, "McFadden said, "but I think Dan will bring to the bench a very practical, level-headed, fair approach."

Doug Hunt, a liberal Democrat who served a four-year term with Manion in the state Senate, called him "a hell of a good guy who has all of the qualities of intellect and character for the position he has been nominated to." Hunt discounted Manion's much-criticized support of a "flaky bill" that would have allowed the 10 Commandments to be posted in public schools despite a Supreme Court decision barring the required posting of such a document.

"I don't think it represents his overall record," said Hunt, who cited other successful Manion bills to improve the juvenile justice system and provide alternative sources of energy. "He should be scored like a diver: You throw out the high and the low scores."

Sen. Paul Simon (D-Ill.), a leading opponent of Manion's nomination, dismisses such endorsements.

"Obviously, you bend over backwards to help someone in your home town or state," said Simon, a reform-minded member of the Senate Judiciary Committee who is politically allied with one of the groups leading the charge against Manion—the predominantly liberal Chicago Council of Lawyers. "You'll rarely find a lawyer there publicly critical of the nominee. In the back of their minds, they figure they may come up before this guy" if the Senate agrees to make him a judge.

"All I can say is, this kind of guy shouldn't be a judge in a rural county, much less on the second highest court in the land," he said.

As Simon suggested would happen, several Indiana lawyers, legislators and former officials who are critical of Manion spoke only off the record when interviewed by The Times, or asked not to be identified.

Some, such as South Bend Assistant City Atty. Carolyn V. Pfotenhauer, commented only guardedly. Referring to one legal encounter with Manion, she said: "He handled the case differently than I would have, and I won."

REALLY IRRITATED

In an interview, Manion said he felt special weight ought to be given to the support of those who know him best, particularly Democrats who are "really irritated at their own party for attempting to make a fool of me."

Manion said the backing of Hesburgh, who praised Manion's "commitment to justice," stemmed not so much from firsthand knowledge of his legal skills as from a long-time relationship with his family.

"But who can better testify about one's temperament, personal philosophy, the kind of person you are?" Manion asked.

A key element in the dispute over Manion is the fact that the combatants are appraising Manion's fitness against different standards.

Manion's supporters argue that a federal judge does not have to be a dazzling litigator or legal scholar so long as he is reasonably bright and exceptionally fair. Critics seek to discredit Manion by applying a more demanding standard, suggesting in effect that federal judges—like the children of Lake Wobegon—should all be above average.

For his part, Manion said he disagrees with the notion that an appeals court judge "has to be some kind of an elite person. I don't think a person has to be above everyone else. I think it can be a person who is competent, has integrity, will work hard and can master the legal issues."

Using such criteria as intellect, writing ability, legal experience and temperament,

the American Bar Assn. rated Manion "qualified," the lowest of three passing grades. The same rating has been given to 43% of Reagan's appeals court choices, including Supreme Court nominee Antonin Scalia when he was tapped for the appeals bench. Scalia is now widely praised as a scholarly judge with a powerful legal mind.

The ABA said that between one and four members of its 14-person screening panel considered Manion "not qualified" but as a matter of policy would not name them.

Much of the ammunition used against Manion has come from the reform-minded Chicago Council of Lawyers, which has 1,400 members.

Charging that Manion "would not be able to deal adequately with the difficult legal issues that are routinely presented" to the appeals court based in Chicago, the council declared that he was unqualified for the lifetime job.

The council complained that Manion had argued few cases in federal court and that his state court experience was limited primarily to small personal and commercial claims, particularly land condemnation cases. When asked on a Senate Judiciary Committee questionnaire to list the 10 "most significant" cases of his 13-year legal career, Manion included one involving a car dealer accused of misrepairing a Volkswagen Rabbit.

The Chicago group reviewed five of Manion's legal briefs and said they were dotted with spelling and punctuation errors, bad grammar, poor organization and less than forceful arguments.

COURT OF LAST RESORT

"He is not an incompetent lawyer. He is just not up to the standard for what is really the court of last resort for most of the cases that get there," council President Robert Perkins said.

Simon, Biden and three other Democrats on the Senate Judiciary Committee also accused Manion of having taken extreme positions in the past supporting the Birch Society and defying Supreme Court decisions. They said his efforts to explain them away at hearings on his nomination lacked credibility.

In a report, the Democrats contended that Manion's sponsorship in 1981 of the 10 Commandments bill—what Manion termed a "legislative protest" of the Supreme Court—demonstrates a clear refusal to support the Constitution. As further evidence, they cited his ringing endorsement in 1977 of a book by the late archconservative Rep. Larry P. McDonald (D-Ga.) that said "a Supreme Court decision is not the law of the land" and called both the 1964 Civil Rights Act and the Supreme Court's 1954 school desegregation decision unconstitutional.

Moreover, the Democrats said, Manion once repudiated the long-established doctrine that Bill of Rights protections are binding on the states. They said his newly articulated position is confusing.

The Democrats also noted a 1979 letter from Manion to a Birch Society office, stating: "Your membes are certainly the people who are on the front line of the fight for constitutional freedom. . . ." At a hearing, Manion said the letter was merely a thank-you note for condolences offered on the death of his father and did not indicate that he agreed with positions of the society, to which he has never belonged.

Arrayed against a President who has lobbied fiercely to win Manion's confirmation, the opposition has been bolstered from the outside by 50 law school deans and groups such as Common Cause and People for the American Way.

However, two deans contacted by The Times—Paul D. Carrington of Duke and Arthur N. Frakt of Loyola in Los Angeles—expressed surprise at the Indiana support for Manion.

"I'm feeling a little sheepish," said Frakt, who signed a group letter based on materials sent by a law professor and a liberal activist in Washington. "If it turns out he is someone of substantial ability, I would feel it was unfortunate he got caught up in this."

Carrington, after hearing of the praise Manion received from associates in Indiana, said he was reminded of the "false views" that developed on appellate Judge Clement F. Haynsworth, Jr. when his nomination to the Supreme Court was rejected in 1969. Today, the conservative Haynsworth wins wide praise even from liberal law professors.

Manion's bulging list of assailants has incensed his backers, who believe they are fighting an elitist, big-city bias.

"I would think the Chicago Council of Lawyers would welcome a person of Dan's integrity to the bench," Ready said, "considering the fact you can't pick up a newspaper without reading about the indictment or conviction of some Chicago judge. The only convicted judge from the 7th Circuit (Court of Appeals) was not a small-town lawyer from Indiana, but a big hitter from Chicago, Otto Kerner."

WON THREE

And lawyers who have rallied around Manion scoff at the attacks on his briefs and limited experience.

"The proof is in the pudding," said attorney Robert M. Parker, who noted that Manion had won three of the five cases submitted for Senate scrutiny, with one still pending.

Both Parker, a Republican, and attorney Kenneth P. Fedder, chairman of the local Democratic committee, contend that Manion is a victim of guilt by association: People figure he is the strident ideologue his father was. Actually, said Frank L. O'Bannon, Democratic leader of the state Senate, Manion pleasantly surprised him as "not radical or strident, but very kind and quiet and almost gentle . . . a good listener, though very firm in his conservative convictions."

If confirmed, Manion would be the first Vietnam veteran to go on a federal appeals court. As an Army lieutenant, he was in charge of a supply depot.

INTRAMURAL BOXER

An intramural boxing champion at Notre Dame, Manion recently won a canoeing and running biathlon. He was felled by a bout of multiple sclerosis seven years ago, but said he is now in excellent health.

Sen. Dan Quayle (R-Ind.), who attended night law school with Manion at Indiana University while both held state jobs, recalled that Manion went to the library after class while others went home.

"He is what you'd call a straight arrow in the nice sense," said Quayle, a friend and leading Senate supporter.

Manion, told he had been described as "very serious, almost to a fault," laughed and said: "Well, I don't drink or smoke, but I've had a lot of fun at parties I give, and I'm a real good rock 'n' roller."

Mr. DOLE. Anyone who is really interested in the facts, and I hope that would be my colleagues on both sides of the aisle, would be doing themselves and, more importantly, Mr. Manion a favor by reading that article. I just want to quote a couple of areas here that I think might be of interest to those who have not yet had time to study the nomination, other than the politics of it.

Back in Washington, Manion is portrayed by Democrats and a handful of liberal Republicans as a mediocre lawyer unfit to join the federal judiciary at the level just below the Supreme Court.

Senate opponents, who hope to sink his nomination this week after having narrowly lost a preliminary vote July 2, are backed by a raft of law school deans and reform-minded Chicago lawyers who challenge Manion's limited experience in federal court, criticize his writing ability and question his willingness to adhere to Supreme Court rulings.

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Then it goes into a lot of interviews, a lot of background, quotes Father Hesburgh, former Senator Vance Hartke, a respected Democratic judge, the chairman of the county Democratic committee in Indiana and Democratic attorneys who worked with and against Manion in lawsuits.

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This is a very lengthy article. I am not going to read it all. But it says that political foes also support the Manion court nomination.

Mr. President, none of us likes criticism and we do not like personal attacks. We do not like people criticizing us, whether Republicans or Democrats, particularly when we do not belive it is justified. I do not know the writer of this column well, but it is a respected paper. The Los Angeles Times is one of the Nation's outstanding newspapers. The paper sent a person to Indiana, because it wanted to find out if this man were half as bad as his critics indicate, and this is the story. I hope others who are out to defeat Mr. Manion would at least read it, including some in the media.

TELEVISION IN THE SENATE

Mr. DOLE. Mr. President, I hope that today, we can resolve the so-called TV in the Senate matter. I understand we may be making some progress on that. I hope that if we cannot get an agreement, unanimous consent, at least we might be able to bring up the resolution that I have introduced with Senator BYRD so we can continue this and still have the vote on it.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. DOLE. Yes, I yield to the Democratic leader.

Mr. BYRD. Mr. President, I am in a position to say to the majority leader that this has been cleared on the Democratic side. We can move immediately. We have unanimous consent as far as this side is concerned to waive the off-camera period, and I hope we can do so.

The PRESIDING OFFICER. Has the majority leader made such a request?

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. DOLE. Let me yield to the distinguished chairman of the Judiciary Committee.

THE NOMINATION OF DANIEL MANION

Mr. THURMOND. Mr. President, I shall take just a couple of minutes. I just want to mention the fact the lawyers who know Mr. Manion best, his county bar association, strongly recommend him for the judgeship to which he has been appointed. Also, the chief justice of the Supreme Court of Indiana, who knows him well, recommends him in addition to those who have been mentioned by the able majority leader. I understand that contact was made with a former U.S. district attorney out there, appointed by President Carter, a Democrat. They asked questions about Mr. Manion; because they were favorable, they immediately quit the interview.

Mr. President, this is very unfair. If this man is not qualified that is another thing. But how can his local bar, his chief justice of the supreme court, President Hesburg and all these Democrats say he is qualified?

I hope the Senate will act upon this nomination and wind it up promptly if it comes up again. He has already been confirmed, but if another vote does come, it seems to me the Democrats ought to think very carefully before they turn him down.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

THE NOMINATION OF DANIEL MANION

Mr. BYRD. Mr. President, in the past several weeks, there have been numerous articles in the press quoting those who have attempted to minimize the importance of a single judgeship on the Federal circuit courts of appeals. This issue has been focused in the Senate during the recent debate on the nomination of Daniel A. Manion to be a judge on the seventh U.S. Circuit Court of Appeals.

We have seen quotes similar to these: "If Indiana wants him, it's okay with me . . . ." or "the press is really treating this as a much more important issue than a midwestern judgeship should be . . . ."

Mr. President, every good lawyer knows and every citizen should know the extremely crucial role that the Federal appellate courts play in the judicial system of our Government. The courts of appeals are the end of the judicial road for most of the litigants in our Federal courts. A few simple numbers make this point most vividly.

In the 1984 term of the Supreme Court, which lasted from October 1984, to July 1985, the Court heard oral argument for and issued written rulings in only 139 cases. During the same time period, there were 33,360 appeals filed in the circuit courts of appeals; 31,387 were terminated that year, and at the end of the year 24,758 cases were pending from previous years' caseloads.

So here we have a total of 139 cases in connection with which the Supreme Court of the United States heard oral arguments and issued written rulings, while, in the U.S. district courts, there were 33,000 appeals filed.

□ 1130

What of the seventh circuit? Is it really a parochial, insulated, inconsequential bench of importance only to the citizens of the State of Indiana? The seventh circuit is composed of 11 judgeship positions, of which nine are currently filled. These judges must handle all cases that are appealed from the Federal district courts in the States of Illinois, Wisconsin, and Indiana. The court is considered to be one of the most important in the land.

During the 1984 term, there were 2,265 cases filed, 2,259 cases terminated, and 1,751 cases pending at the end of that term. As I have already indicated, most of these cases will never reach the Supreme Court for further review.

Let us just compare the U.S. Supreme Court load and the Seventh Circuit Court of Appeals load for 1984: 139 cases which the Supreme Court heard oral arguments for and issued written rulings on; whereas, in the seventh circuit alone, there were 2,200—in order words, roughly 15 times as many. There were 2,265 cases filed, 2,259 cases terminated, and 1,751 cases pending at the end of that term.

Most of these cases will never reach the Supreme Court for further review. Other judges, sitting on other circuit courts, will look to the opinions handed down by the judges of the seventh circuit in deciding cases on similar issues before their courts.

So the influence of the Seventh Circuit Court of Appeals reaches outside the States of Illinois, Indiana, and Wisconsin—outside the seventh circuit. But, as a matter of fact, the decisions of the judges in the seventh circuit can have an impact, upon decisions in all the other circuits throughout the United States.

In finally resolving the question of whether Mr. Manion should serve at this time as a judge on the Seventh Circuit Court of Appeals, all citizens need to keep a few thoughts in the forefront.

This is not a time for "pork barrel" politics. This is not a simple exercise in "log-rolling." The sanctity of the Federal judiciary should not depend on deals being cut in back rooms.

Smearing Mr. Manion—the distinguished majority leader, I think, has made reference to smearing—smearing Mr. Manion is not the issue. The issue is the people over whom he will hold awesome power as a member of that bench. He will have awesome power over the lives, over the property, over the rights of every man, woman, and child within that seventh circuit; over governmental institutions, over agricultural issues, over energy issues—all kinds of issues that come before that court. This man will be appointed for life. It is a lifetime tenure that we are talking about.

Anyone who reads the Manion briefs that were studied by the Judiciary Committee will conclude that this man does not have the "right stuff" to be given that power. We are talking about 22 million citizens within that circuit court of appeals' dominion, the seventh circuit—22 million citizens.

This appointment to a court that will be the court of last resort for thousands of vital cases every year is too important, too significant to be decided in ways being attempted to enable Mr. Manion to squeak by the Senate.

We must not allow an appointment to a circuit court of appeals to be won like chips at a gambling table. We must not allow an appointment to a circuit court of appeals to be won here in the Chamber—where we must attach important and profund responsibility to our advice and consent role dictated by the U.S. Constitution—in a manner where fewer than half of the Senators have been willing thus far to vote for this nominee. The Senate has a higher responsibility than that.

We must not let rule 31, paragraph 5, be the sole determinant now as to whether or not Daniel Manion will sit on the Seventh Circuit Court of Appeals, which has jurisdiction over 22 million people. Let us have a vote. We must not cheapen either the judicial system of this Nation, or the U.S. Senate and its constitutional role in these actions. When it comes to something of this magnitude, "log-rolling" politics, "rolling the dice," should be left outside the Chamber.

I hope that very soon the Senate will be given an opportunity to vote, straight and clean, up or down, on this nomination, and I hope that all Senators will be present. I hope that a date can be set when all Senators will be on notice that the vote will occur at a particular time, so that the Senate may express its will, either to place Mr. Manion on the seventh circuit's bench or to state unequivocably that he does not belong there. It is too important to the Nation, too important to the nearly 22 million citizens of the Seventh Circuit Court of Appeals, to the Senate, and to the protection of our Constitution—and, indeed, to Mr. Manion—for him to be slipped into a judgeship through the back door, which resort to rule 31 would be.

□ 1130

This is not to say that it would not be within the distinguished majority leader's right to utilize that rule. It is one of the standing rules of the Senate. But if Mr. Manion assumes the wearing of the robe in the seventh circuit through that back-door procedure then a cloud will hang over his head and over the head of the Senate, if that is to become a route to a circuit judgeship.

Mr. President, I yield the floor.

REINSTATEMENT OF SPECIAL ORDER

Mr. DOLE. Mr. President, I think erroneously the special order in favor of Senator HAWKINS was vitiated. I ask unanimous consent that it be reinstated.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR HAWKINS

The PRESIDING OFFICER. Under the previous order, the Senator from Florida [Mrs. HAWKINS] is recognized for not to exceed 5 minutes.

DRUG EDUCATION: EVERYBODY'S BUSINESS

Mrs. HAWKINS. Mr. President, there is a familiar saying that goes like this: "There's good news and there's bad news. Which do you want first?" The good news is that the use of marijuana and several other drugs dropped markedly in American colleges over the last 5 years. The bad news is that cocaine use is sharply on the rise. In fact, nearly one-third of college students sample cocaine by the time they graduate.

These findings come from a new survey of young Americans conducted for the National Institute on Drug Abuse by the University of Michigan. The core of the survey consisted of interviews with 1,100 students, 19 to 22 years old, enrolled in 2- and 4-year colleges across the country.

Dr. Lloyd Johnston, one of the directors of the survey, reports that marijuana use has declined significantly since 1980. In contrast, cocaine use has gained what Dr. Johnston and his colleagues describe as a "surprising and unsettling foothold" among college students and young people in general past high school age. Among students, 30 percent conceded that they had tried cocaine by the time they finished their senior year of college. Unlike other drug use, cocaine experimentation continued to grow each year after high school. Marijuana is still the most widely used drug among our Nation's youth. But the use rate has dropped from 51.2 percent in 1980 to 41.7 percent in 1985. The use of barbiturates, amphetamines, and LSD declined substantially in the past 5 years. The use of methaqualone, best known by its brand name quaaludes, dropped from 7.2 to 1.4 percent last year.

Dr. Johnston explained that "for many drugs, the fad has run its course among young people who grew up in a world filled with drugs." Regrettably, cocaine is the latest fad. Researcher Johnston said that regular use of marijuana began to decline when young people came to realize it is dangerous. Now this is a very important point and to underscore its significance I would like to repeat it—regular use of marijuana began to decline when young people came to realize it is dangerous. The fact is that most young people do not take cocaine seriously enough. The majority of young people—the survey observes—acknowledge that heavy cocaine use is dangerous. But only a third of the survey group thinks that there is danger from occasional or experimental use. That is a frightening discovery. If the deaths of Len Bias and Don Rogers have any meaning it is that you do not have to be a heavy user of cocaine to be killed by it. Both of these young athletes, in prime physical condition, died without an extensive history of cocaine use.

The message has to be carried to every nook and cranny of this Nation: Cocaine can and does kill. And while there is great danger to a heavy user, the casual experimenter can just as easily fall victim because he has built up no tolerance to this deadly drug. Our drug treatment centers should carry the message, our school counselors, and guidance teachers should do likewise. Our newspapers, magazines, radio, and television stations should follow suit. And special messages from athletes, whom young people tend to emulate, should carry the theme. Creating an awareness that drugs are dangerous is everybody's job.

I think our First Lady, a gallant fighter in the war against drugs, hit the nail right on the head in an op-ed piece published in the Washington Post on July 7. Mrs. Reagan wrote:

> The problem is this—most people don't feel that combating drugs has anything to do with them. It's for others to do—those who work in treatment centers or who have children on drugs or who live where drugs are openly traded on the street. I believe it's time to let people know that they have a personal, moral responsibility to fight drug abuse. Each of us has an obligation to take an individual stand against drugs. Each of us has a responsibility to be intolerant of drug use anywhere, anytime, by anybody.

To Mrs. Reagan's remarks, I know I join other parents in saying "Amen."

WALLY JOYNER—ALL STAR

Mrs. HAWKINS. Mr. President, I wish to take a moment of everybody's time to wish well my own nephew, Wally Joyner, who is playing first base tonight, the first rookie ever chosen in the history of professional baseball to serve on the all-star team.

We are proud of our young nephew, Wally Joyner, and wish him well this evening.

I thank the Chair.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

ARMS CONTROL IS VIRTUALLY DEAD

Mr. PROXMIRE. Mr. President, why—oh why do the two most powerful men in the world—the President of the United States and the Secretary General of the Communist Party of the Soviet Union—fail to make any progress on arms control? Both leaders have announced to the world proposals designed to eliminate nuclear weapons from the face of the Earth. Both say they favor massive reduction of weapons on both sides through mutual, enforceable arms control agreements. So what progress have these two armed-to-the-teeth superpowers made toward their goal of arms reduction? Answer: Arms control is a total, unmitigated disaster. First, there has been absolutely no progress toward arms control—at all—none. All the words of progress toward reducing nuclear arms on both sides have been utterly empty.

It has been worse—much worse. Every bit of the fragile, tentative arms control machinery so painstakingly put in place over the past 25 years has now vanished. I challenge any Senator to name one single arms control agreement between the two great nuclear superpowers that continues to restrain nuclear weapons of any kind. Oh, sure, the Limited Test Ban Treaty still prevents superpower nuclear weapons test explosions, except underground. That helps keep radioactive pollution out of the Earth's atmosphere. But it does nothing to achieve its prime purpose: Stopping the development of even more deadly and threatening nuclear weaons. Here was a treaty that pledged both powers to negotiate the end of all nuclear weapons tests—including underground tests. The administration has expressed its firm intentions to disregard that promise. In 1972, this body, the U.S. Senate, ratified by a smashing 89-to-2 vote the Antiballistic Missile Treaty [ABM]. What was the one and only purpose of that ABM Treaty? The purpose was simple. It was to stop either superpower from building a system of antiballistic missile defenses that would destroy the credibility of the adversary's nuclear deterrent and set off an all-out offensive and defensive nuclear arms race. So what is the administration's No. 1 military priority? It is the development, production, and deployment of precisely the SDI, star wars antimissile project that the antiballistic missile, ABM Treaty, was expressly designed to prevent.

So what is left? Not the Strategic Arms Limitation Treaty [SALT II]. That treaty was all that remained of superpower arms control agreements. SALT II was hanging by a thread. But not now. No longer. The SALT II was signed in 1979 by President Carter. It was never ratified. But it was kept in effect by an Executive order of President Reagan. It expired on December 31, 1985. It was kept in effect by Executive order until May of this year. And then pronounced dead by the administration. With the death of SALT II, what superpower arms control agreements are left? Answer: None, nothing.

The nuclear arms race zooms ahead without the slightest restraint from superpower arms control agreements. Fortunately, there are two powerful forces restraining the dangerous nuclear weapons competition. First, there is the grim, blunt fact that the destructive capacity of both superpowers is so enormous that a nuclear war would bring swift and sure destruction—total, absolute destruction—to both sides. That common knowledge of the utter insanity of either superpower ever using its massive nuclear strength as an act of war has kept the nuclear peace ever since the United States and the Soviet Union both achieved their astonishing capacity for destruction.

The second restraining force on both sides is the mammoth cost—the colossal economic burden—of even trying to achieve sufficient nuclear superiority so that a nuclear war could actually be won. A fully deployed and absolutely efficient star wars could conceivably make it possible for the United States to win a nuclear showdown with the Soviet Union. But the cost would be astronomic—like $1 or $2 trillion for starters. The prospect of U.S. success with star wars would be so small, it would be infinitesimal. It would be 1,000 to 1, 10,000 to 1 against, hardly a gamble that would justify $1 trillion plus burden.

So here we are, Mr. President, relying on mutual assured destruction and the discipline of the budget to keep the peace. Sure, these forces may work. They may work for years to come. But the on rushing technology of the nuclear arms race is unpredictable, unstable, and probably uncontrollable. This complex and constantly more dangerous weaponry will increasingly threaten human survival. By virtually abolishing arms control, the superpowers are taking an irresponsible chance with the future of civilization and the very existence of mankind as a species.

□ 1140

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 o'clock noon with statements therein limited to 5 minutes each.

THE MANION NOMINATION

Mr. KENNEDY. Mr. President, I hope the majority leader will proceed promptly to final Senate action on the Manion nomination. The preliminary Senate vote last month was marred by questionable horsetrading and misrepresentations that prevented an honest vote.

Many of us, probably a majority of the Senate, feel that Manion is not qualified to be a Federal judge, and it would bring dishonor to the Senate to stall a final vote and confirm him by a questionable parliamentary tactic.

Frankly, it is in the interest of all sides to move to a final vote as soon as possible. The longer we delay, the worse the Senate looks.

MEDICAID TO ILLEGAL ALIENS

Mr. MOYNIHAN. Mr. President, yesterday, the U.S. district court for the eastern district of New York, in a ruling by Judge Charles Sifton, a distinguished member of the bench, held that illegal aliens are eligible for Medicaid payments and Medicaid care in the hospitals of that district and, by extension, the Nation.

Judge Sifton, who is a distinguished jurist, made a very simple point that there is nothing in the 1965 statute that says otherwise. In a class action suit, brought by seven illegal aliens saying they needed medical care, he held that they were entitled to it.

Might I say, Mr. President, that in the absence of Medicaid payments, we should not assume the absence of medical care. It is the tradition of New York City and most jurisdictions of our country to provide care to the ill and indigent regardless of their legal status as citizens. It goes back a long time in the history of New York City, long before we had immigration laws—a time when as many as half of the population of the city were technically aliens although not illegal.

However, Mr. President, I think we must accept the ruling of Judge Sifton, and I cannot doubt that if it is appealed it will be upheld in the courts of appeal and certainly in our second circuit and eventually become the law of the land. In that case, Mr. President, it is required of those of us in the Congress to ask: What provision will we make for the expenses that will be incurred locally, large expenses, in the aftermath of this ruling?

I have made some rough calculations. I cannot speak to it with the authority of the Human Resources Administration of New York City, for example, but the numbers are roughly that in 1980, there were 234,000 illegal aliens in New York State; just over one-quarter of 1 million. At that same time, in 1980, of the 17.5 million residents of our State, 1.3 million, or 7 percent received Medicaid payments of $1,486 per month.

Mr. President, it is altogether unfair that local and State governments should have to assume a large share of the cost of dealing with illegal aliens, whose presence is a manifest evidence of a failure by the Federal Government to enforce its laws. Were the Immigration and Naturalization Service able to police our borders and regulate their movement, as they are required to do under law, if the Federal Government did what it says it must do, there would be no illegal aliens or, if there were, there would be an insignificant number. They would not be the massive numbers that we all are aware of in the State of New York of 234,000.

In any event, Mr. President, it is characteristic of our social legislation and it has been since the Social Security Act of 1935 that we provide care for the elderly, care for persons who are in the normal stream of the economy as a matter fully insured by and assumed by the Federal Government through Medicare and Social Security payments. These programs are part of the insurance fund in which the Federal Government takes full responsibility—100-percent payment by the Federal Government. The only programs where we do not have such provisions is where indigent persons are involved, primarily children and their parents, the aid to families with dependent children. Here local governments set the standards and the Federal Government shares the cost.

A family receiving AFDC payments automatically receives Medicaid payments but, again, the Federal Government pays only a portion. The State must pay the rest. And, in some States, until recently in New York, the local governments paid their share.

Mr. President, this is not a decent social policy. A child in Mississippi is just as valuable as a child in New Hampshire or Oregon and, with very small and inconsequential differences, costs just as much to feed and raise and educate and nurture.

For years, those of us in Congress have asked for a national standard for children because they are all our children. And, on the same basis, I would say, from a different perspective, that the Federal Government, being responsible for the presence of illegal aliens, ought to be responsible for their medical care.

I hope this legislation will be received favorably. I can imagine that today in this Senate there are not that many persons aware of the matter. I am sure my colleague, Senator D'AMATO, my distinguished friend, is concerned, since it is a New York ruling. But this will become a national issue in no short order and require a response by the Congress. I hope that this will be done. As I say, Mr. President, I will file the legislation, now being drafted, later today.

Mr. President, to speak to this subject generally, the necessity we will face of dealing with the cost of payments to illegal aliens, the division of those payments under Medicaid, should be seen as an opportunity as well as a responsibility to particularly ask ourselves just what is to be the nature of national programs such as Medicaid that require shared costs where young persons are involved. Adults do not find themselves treated differently by national programs depending on what part of the country they happen to reside in. Adults, one might say, who have the option to move in a general sense if they desire are nonetheless given uniform treatment nationwide. Children who do not have that option at all, are treated differently, as if they mattered differently, as if the child in Alabama, the child in Arizona, or the child in New Jersey had somehow different intrinsic value, worth, and therefore different levels of support.

This is strange and at some points almost cruel behavior in the Nation because there are jurisdictions that have not gotten the resources they would wish, but care for the children they have. It was never intended by the authors of the Social Security Act to make such a difference. They did not anticipate that benefits made to a child would vary by as much as a factor of 2 and 3 to 1 between one State and another. They are not always the States you might think of. They are States which have very considerable resources which even so have very low and even punitive levels of support for the most helpless and dependent of all our citizens, to wit: Our children, our very young children living under the AFDC Program. We should not fail to remind ourselves from time to time about the intent of the Social Security Act of 1935.

The provision of Medicaid services varies from State to State for persons who are equally ill no matter what hospital bed they happen to be in. And one would suppose that they would have an equal provision. If this means reducing some of the levels of the very high States, so be it. But it does assert a uniform nationality. We are the only industrial democracy in the world that defines different levels of medical care, different levels of child assistance depending on the jurisdiction in which the sick person or the dependent child lives.

This is an anachronism in our legislation, 51 years from the enactment of Social Security, whose time has changed. Mr. President, I hope this new event will give us an opportunity to consider this.

Mr. President, I ask in that regard unanimous consent that a report of Judge Sifton's judgment which appeared in the New York Daily News be printed in the RECORD at this point so that there be a full account of the event.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Daily News, July 15, 1986]

COURT: MEDICAID FOR ALIENS

Up to 234,000 illegal aliens in New York State should receive Medicaid assistance, a Brooklyn federal judge ruled yesterday.

The ruling by James Charles Sifton came in a class-action suit that, although restricted to New York, could have national significance if adopted by federal courts elsewhere.

"An examination of the language of the Medicaid statute reveals that it includes neither an express alienage restriction . . . nor does the act set forth anywhere a single statement of criteria establishing eligibility for Medicaid," Sifton ruled.

The plaintiffs in the case were drawn from those who live in New York State but have no "green cards" for legal permanent resident status. The 1980 census estimated the number of nonlegal permanent residents in the state at 234,000.

The action was begun in 1981 by nine New York illegal aliens who said they needed medical care and Medicaid assistance.

Medicaid was enacted in 1965 and incorporated into the Social Security Act. It is a federal-state cost-sharing program designed to enable participating states to furnish medical assistance to people who can't afford it.

The U.S. Department of Health and Human Services argued that illegal aliens were ineligible for Medicaid. In addition to the federal government, the state and the city were defendants in the case.

Lawyers for the illegal aliens argued that barring them from Medicaid "violates the Medicaid statutes and the federal Constitution." They also maintained immigration status was irrelevant.

According to the 1979-80 report of the state Department of Social Services, 1,322,352 persons, or 7 percent of the 17,558,072 residents of New York State, already receive Medicaid at an estimated annual cost of $7 billion.

More than 77 percent of the illegal aliens counted in 1980 had been in the country more than five years and more than 44 percent had been here more than 10 years.

The illegal alien population generally comprises young adults under 35, officials said.

Mr. MOYNIHAN. Mr. President, on another matter, if I may ask, if my 5 minutes have not expired, and if it has, I would ask unanimous consent to continue.

The PRESIDING OFFICER. The Senator may certainly ask unanimous consent for the time he desires.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that I may speak for an additional 5 minutes with respect to our former colleague Jonathan Bruce Bingham, who died on the 3d of July.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF THE HONORABLE JONATHAN B. BINGHAM

Mr. MOYNIHAN. Mr. President, the Senate will by now have learned of the death July 3 of our friend and colleague Jonathan B. Bingham, who represented the Riverdale and adjoining areas of Bronx County in New York City for nine terms.

Jack and I were friends for more than three decades. We met in the winter of 1953–54 when he was a principal in the campaign of Franklin D. Roosevelt, Jr., then also a Member of the House, who hoped to win the Democratic nomination for the Governorship of New York. When Averell Harriman was nominated instead, Frank Roosevelt cheerfully agreed to run for attorney general, pitted against our late and beloved Jack Javits.

In the same spirit Jack Bingham agreed to become research director of the Harriman campaign, which in the manner of many organization efforts of that time was long on votes but somewhat short on policy details. Jack asked me to join him, and after Harriman was successful in the fall election, asked me to come to Albany as his aide. I was joined there by Elizabeth B. Brennan who became his personal assistant. Neither of us will forget the moment not 3 months later when we walked into Jack's office late one afternoon to announce our engagement. Jack, who usually worked 14 hours a day every day, stopped everything, took us in to see the Governor, then out to his great rambling home on the Loudonville Road for champagne with June and the children.

His career is too well recorded in the annals of the Nation, not least its legislation, to bear repeating. There are few Senators present who did not know him, and none who did not respect him. For those who were closer to him the relationship went beyond respect. On the occasion of his death, I remarked: "Jack must have known how much we admired him; I only hope he knew how much we loved him. No finer person ever graced our politics or touched our lives."

On the occasion of a beautiful service of thanksgiving for the life of Jonathan Brewster Bingham at the Riverside Church in New York, his dear friend, August Heckscher, spoke so well of this extraordinary man that I ask unanimous consent that his remarks be reprinted in the RECORD, along with an obituary and an editorial which appeared in the New York Times. I ask unanimous consent too that a beautiful prayer which was read at the service by Jack's son-in-law, the Reverend Richard H. Downes, and remembrances by Mrs. Harriman and M.J. Rosenberg be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RIVERSIDE CHURCH

I am August Heckscher, an old friend of Jonathan's, and June has asked me to say a few words in remembrance.

We each have our particular recollections, even our special names for this good man—not only Jonathan, but Bing, and Jack, and even plain Bingham. I think that when I first knew him—I had gone down from my school, St. Paul's, to debate against him at Groton—it was as "Bing" he was known by his schoolmates; and it was as Bing, when I visited him at Riverdale one recent day of spring, that I last said goodbye to him.

A year after our first encounter we both arrived as freshman at Yale. He was a marked man from the start. His family name had long been connected with the university. His fame as a scholar, as a debater, as a natural leader had preceded him; and we looked to him to put his mark upon the next four years. Soon, indeed, he was the outstanding member of our class. As chairman of the Yale News, he converted that formerly rather stodgy Republican paper to a supporter of the Democratic party and ardent advocate of Franklin Roosevelt and the New Deal. He led us on many intellectual escapades. He delighted us as comrade and friend.

I had the good fortune in these years to be his lieutenant and supporter, and sometimes to be his rival. As a matter of fact, I won out over him in Yale's oratorical contest! But I never knew Bing to show the slightest touch of jealousy or resentment—as never in later life did I ever hear him express toward any man a shadow of such emotions. His loyalty and help were never-failing, not only at Yale but through all the ups and downs of life. He was to me, and to many, such a friend as one does not find twice.

I like to think of the day, many years later, when I as Park Commissioner and he as Congressman toured the green places of the Bronx. Perhaps some of you who met with us are in this audience today. I saw then the gentle concern he had for every one of you; and I can tell you that if ever I extended a favor on a man's behalf—maybe only a few trash cans supplied, or a bench repaired or a flower-bed renewed—I did it that day from the fulness of my heart.

Jonathan's career as a servant of New York state, of the United Nations, and above all as a Congressman, is well known. He was always the liberal, always the man of peace, always the compassionate man who cared for the oppressed minority, the threatened nation, the disadvantaged individual. His manner was quiet, his rhetoric cool and rational, but he did not hestitate to take on the most powerful of local bosses or the most fiercely entrenched lobby.

He was, indeed, the examplar of what a public servant in a democracy should be. If our country is to preserve in the future its sanity, its tradition of humane freedom, it will be because there continues to be among its leaders a few men of the intellectual calibre, the innate civility, the simple, inexhaustible decency of Jonathan Bingham.

In his private life he was blessed. Growing up as the youngest of seven brothers he learned the rugged give-and-take of family existence. A large and constantly extending progeny of his own—glowingly reported upon in holiday photographs dispatched to constituents and friends—filled the big house in Riverdale. I dare not breach the intimacy of those walls to speak today of Jonathan as father, as grandfather, as husband; but dear June, we do especially think of you; we all know what you have given of love and devotion, of humor and brightness and inspiration.

And so the moment comes when we must say farewell. It is not easy to do so. Together we say it affectionately, admiringly. We say it with thankfulness, Jonathan, for the gift of your life.

[From the New York Times, July 4, 1986]

EX-REPRESENTATIVE JONATHAN BINGHAM, 72, DIES

[By Eric Pace)

Former Representative Jonathan B. Bingham, the veteran liberal Democrat from the Bronx, died yesterday at Presbyterian Hospital. He was 72 years old and lived in the Riverdale section of the Bronx.

A hospital spokesman said Mr. Bingham had died of pneumonia and related complications.

Mr. Bingham, a lanky, 6-foot 2-inch lawyer who was a former diplomat at the United Nations, first entered Congress in January 1965 after defeating Charles A. Buckley, the Bronx Democratic leader. He maintained a reputation as a staunch liberal on Capitol Hill for nearly two decades, retiring late in 1982 at the end of his ninth term.

He had withdrawn from the Democratic primary in 1982 after his district, which covered the heart of the Bronx—from the Grand Concourse to Co-op City—was redrawn. The new 19th District took in much of Representative Mario Biaggi's district in the east Bronx, spread across the northern Bronx and into parts of Yonkers.

A member of the Foreign Affairs Committee, Mr. Bingham was an outspoken supporter of Israel. He also wrote the Soviet Jewish Refugee Assistance Act of 1972 and was the chief House author of the Nuclear Nonproliferation Act of 1978, banning the export of nuclear fuel and reactors to nations that refuse to open their facilities to international inspection.

SOUGHT TO CONTROL HANDGUNS

In addition, he was one of the main forces behind congressional rule changes in 1974 that provided for more democracy in the choice of committee chairmen and apportioned more power to subcommittee chairmen.

Over the years, Mr. Bingham tried but failed to bring about legislation controlling the sale of handguns. He was also a fervent critic of what he said was the insidious influence of campaign contributions on the political process.

Mr. Bingham, who was widely known as Jack, could be blunt-spoken. "Congress has put a lot of stupid restrictions on foreign aid," he said shortly before he retired. He added, "It's not entirely the fault of Congress, but our relations with Cuba are stupid."

In February 1977, he conferred for more than eight hours in Havana with Fidel Castro, the Cuban leader, who insisted that a major precondition for normalizing relations with the United States was the lifting of the United States embargo on trade with Cuba.

Yesterday, Senator Daniel Patrick Moynihan, Democrat of New York and a former aide to Mr. Bingham, said Mr. Bingham "must have known how much we admired him; I only hope he knew how much we

loved him. No finer person ever graced our politics or touched our lives."

SON OF A GOVERNOR

Jonathan Brewster Bingham was born April 24, 1914, New Haven, the youngest of the seven sons of Hiram Bingham—who went on to become a Republican Governor of, and Senator from, Connecticut—and Alfreda Mitchell Bingham.

Mr. Bingham graduated from the Groton School and, in 1936, from Yale College, where he was elected to Phi Beta Kappa and headed the undergraduate newspaper.

After graduating three years later from Yale Law School, where he was an editor of the Yale Law Journal, he practiced law with the Manhattan-based firm of Cravath, de Gersdorff, Swaine & Wood until 1941. He then joined the staff of the Office of Price Administration, and went into the Army from 1942 to 1945, serving in military intelligence and rising in the State Department in 1945 and 1946 in Washington. He then resumed the practice of law in New York until 1951, when he was briefly assistant director of the State Department's Office of International Security Affairs and then, for three years, was deputy administrator of the Technical Cooperation Administration, the formal name of the Point Four foreign aid program.

LOST STATE SENATE RACE

After more legal work in New York, he became secretary to the Governor of New York, W. Averell Harriman, for four years, beginning in 1955. In 1958, Mr. Bingham was defeated in a bid for the State Senate.

From 1959 to 1961, he was a member of the New York law firm of Goldwater & Flynn, and from 1961 to 1964 he was a member of the United States delegation to the United Nations.

He served in 1961 and 1962 as United States representative, with the rank of minister, in the United Nations Trusteeship Council, where he was elected president for 1962.

In 1962 and 1963, Mr. Bingham was United States representative, with the rank of ambassador, at the United Nations Economic and Social Council.

He was the author of "Shirt Sleeve Diplomacy: Point 4 in Action," which came out in 1954, and a co-author—with his brother Alfred—of "Violence and Democracy," which appeared in 1970.

A spokesman for the Bingham family said yesterday that Mr. Bingham had been admitted to the hospital six weeks ago and had been treated with drugs used for Legionnaire's disease, a kind of pneumonia. But the spokesman said that Mr. Bingham had more than one other type of pneumonia, and that they were the cause of death. The spokesman said it was his understanding that Mr. Bingham had not been diagnosed as having Legionnaire's disease.

His survivors include his wife, the former June Rossbach, whom he married in 1939; five brothers, Alfred and Hiram, both of Salem, Conn.; Mitchell, of Pacific Palisades, Calif.; Brewster, of New Haven, and Charles, of Farmington, Conn.; three daughters, Sherrell Bingham Downes of Washington; Micki B. Esselstyn of New Haven; and Guru Nam Kaur Khalsa of Great Falls, Va.; a son, Timothy W., of New Haven, and 10 grandchildren.

A memorial service is to be held at 4 P.M. Tuesday at the Riverside Church, Riverside Drive at 122d Street. The family requests that no flowers be sent and that contributions be made instead to Yale University or the Population Crisis Committee, 435 East 52d Street.

[From the New York Times, July 6, 1986]

LIBERAL CHAMPION

Jonathan Bingham, patrician lawyer and public servant who died last week at the age of 72, won his first election when he was 50. He toppled the Bronx Democratic Party boss, Charles Buckley, from the Congressional seat that he had held for three decades. In the next 18 years, Mr. Bingham won his true niche, as a committee combatant for intelligent, liberal values.

Born to politics as the son of Connecticut's Governor, and later Senator, Hiram Bingham, Jonathan Bingham served city, state and country. He was American Ambassador to the United Nations Economic and Social Council just prior to his election in 1965 and he was elected to Congress nine times. In Washington, he made his strongest legislative contributions in foreign affairs.

Mr. Bingham was also a vigorous champion of many domestic causes, including sensible handgun controls. He was, at the age of 60, one of the "young Turks" who broke the Democratic" leadership's tight seniority control over the House. Of bombast Jack Bingham had none, nor did he need it. He had conviction.

A PRAYER OF THANKSGIVING FOR THE LIFE OF JONATHAN B. BINGHAM

(By Rev. Richard H. Downes)

Father of all, below, above, Whose Name is Light, Whose Name is Love: * we give thee humble and hearty thanks for thy servant Jonathan, who left this life as he lived it—with courage, in peace, and in confidence.

We thank thee, O Lord, for the quality of his life, for the marvelous mixture of virtue and fun and wonder that marked his days, for the life of a gentleman; For his belief in the capacity of men and women and nations to dwell together in peace, for his tireless vision of a world free of war and nuclear terror;

For his recurring impatience with oppression, injustice, bigotry and blindness of heart in all segments of society; For that steadfastness we all knew and felt, a loyalty not only to people but to institutions that enrich human life. Dear Lord, we bless thee as thou hast blessed him—with the music of the violin and voices, with words of poetry and prose, with art's full loveliness.

We praise thee for his delight in nature, in her simplicity and her glory—and for his mirth when his little ship was at the mercy of the tides;

For the kind and generous spirit which so many knew, as he gave of his time and treasure that others might live more freely and abundantly;

For his soft humor, his sometimes uncontrollable laughter—and his happy ability to laugh most heartily at himself; Lord God, Whose Name is Love, we thank thee for the love that stirred the heart of Jonathan Bingham day by day, that steady, quiet, wondrous love which touched us all in countless ways, most notably in his inspired marriage.

Help us, O Gracious God, as we reflect on the rich humanity of our dear friend, to be thankful not only in our prayers but in our lives. Let this man be a sign from thee to each of us, that we may live more fully and generously and lovingly this day and evermore. Amen.

* Phillips Brooks, the Groton School Hymn.

TRIBUTE TO JACK BINGHAM

(By Pamela C. Harriman)

There was a special relationship between Averell Harriman and Jack Bingham. It flowed from years of common association, especially those years in Albany when Jack was one of Governor Harriman's closest aides and advisors. Averell prized his wisdom, his brilliance, and most of all his commitment to principle.

Their friendship was rooted not only in that shared experience, but in shared ideals. At the heart of Jack Bingham's public life, as it has been at the heart of Averell Harriman's, was a profound, abiding dedication, in good days and dark passages, to the moral imperative of peace and international cooperation. Jack Bingham was in the forefront of the continuing effort to control nuclear weapons before their uncontrollable destructiveness consumes the human race.

He was so effective because his mind was matched by his decency, his strength tempered by a personal gentleness. In Averell's view, Jonathan Bingham proved the truth of John Buchan's belief that politics can be "a noble profession."

We mourn Jonathan Bingham as a superb public servant; we miss Jack Bingham as an irreplaceable friend—and we celebrate the contribution he made during his own life to the life of our times—and to the possibility that human life will endure in times to come.

[From the Near East Report, July 14, 1986]

JACK BINGHAM REMEMBERED

(By M.J. Rosenberg)

I recall thinking that I would never get the job. Johathan Bingham was one of the most respected and influential members of the House of Representatives. I was in my mid-twenties, with no Capitol Hill experience, and—worst of all—I was neither a Yale graduate nor a lawyer. I had to screw up all my courage for my interview with the Connecticut-raised Bronx representative who was looking for someone to fill the position of chief legislative assistant (L.A.).

Bingham's top aide, Gordon Kerr, ushered me into the Congressman's presence. I was well-prepared for any legislative query he might throw at me. He looked intimidating. Almost six-and-a-half feet tall, slim, with snow white hair. He could have been elected on his looks alone! He told me about his political views. He was a liberal Democrat, a battler for equal opportunity for blacks and women. He was an outspoken opponent of the Vietnam war.

But his real love was foreign policy and his special passion was Israel.

Part of the reason for that was political. He had many Jewish constituents. But he and his wife, June, had been ardent Zionists in the pre-state era. They had first visited the country in 1950.

Bingham recognized that as a Mayflower-descended Protestant he could be especially helpful to the Jewish state on the Foreign Affairs Committee. He had unique credibility when he worked to put the foreign aid bill over. His Jewish colleagues—and especially his friend Rep. Ben Rosenthal—recognized that and wisely let the Connecticut Yankee take the lead. In his time, Bingham helped enact aid bills worth billions of dollars in assistance to Israel.

He asked me about my Jewish and Zionist background and said that the letter of recommendation he had received from AIPAC's founder, I.L. Kenen, carried a

great deal of weight with him. After ensuring that I was knowledgeable about—and shared his views of—the environment, affirmative action, and government programs to help the poor, he offered me a job. He said that I, like his previous L.S.s, would serve for just one year. "In a year's time you can learn a great deal up here. You may even have an impact, in a small way."

After six months, Bingham asked me to stay another year. I stayed another seven and, if he hadn't been unfairly gerrymandered out of his seat, I would never have left.

Bingham, himself, was a civics textbook image of a Congressman. He worked long hours. He studied committee reports. He regularly disregarded the advice of staff members who urged a vote for an ill-conceived bill because it would score a few points back home. Personally, he was wonderful to work for—even-tempered, fair, generous. His staff was loyal to him and to each other. He was thoughtful. On a half-dozen occasions, he took this awe-struck aide to the White House. I'll never forget how he introduced me to President Ford. "Mr. President, you know my L.A. Mike Rosenberg?" Later he used the same approach with President Carter—and with Menachem Begin and Anwar Sadat. On the way back to the Hill, he would tease me about my "uncharacteristic shyness today."

But my favorite memory of Jonathan Bingham, who died last week, concerns my older son Nicky. Bingham adored him—and one night he insisted on taking the five-year-old onto the House floor. Aides were not routinely permitted there—although the children and grandchildren of Representatives were. My wife, Mindy, and I ran up to the tourist gallery in time to see Bingham introducing Nicky to Mo Udall, Liz Holtzman, and Speaker Tip O'Neill.

Then Bingham left Nicky sitting in one of those hallowed seats (with Silvio Conte, I believe) while he successfully urged his colleagues to support his amendment to cut off aid to Syria. The amendment passed and Bingham led Nicky back to us. Now 11, Nick still proudly recalls the day he "helped Bingham pass a bill." So do we.

Today, as I leave Near East Report for my new position as Washington representative of the American Jewish Committee, I think of the man who won't be there to share in my excitement. But, in a very real sense, he will be. I'll certainly never forget the Congressman who took a chance on an inexperienced kid and changed his life. The statesman who walked out of high-level meetings to call a landlord and tell him that he had better not raise rents again. The Soviet Jews in Israel—absorbed under the "Bingham resettlement program"—won't forget their benefactor, and especially not the old Jews living in the Jonathan Bingham Home in Ashkelon. He'll be remembered, quite, simply, because, for many of us, he is irreplaceable.

Boss, I miss you already.

Mr. MOYNIHAN. So, Mr. President, we say farewell to a man we will not forget and offer the deep sympathies of the Senate to his widow and his family.

Mr. President, I thank the Chair.

I yield the floor.

JONATHAN B. BINGHAM

Mr. CRANSTON. Mr. President, the Congress and the Nation lost a good and decent man last week with the death of Jack Bingham.

Today, I wish to join with many of Jack Bingham's friends in Congress in paying tribute to him for his life's work and in expressing our sorrow to his wife, June, and to his family for their loss.

My friend and colleague, PAT MOYNIHAN, has already noted many of the important accomplishments of Jack Bingham. It is true that each time this body proceeds to address such issues as nuclear export policy, war powers authority, and arms exports, we are operating under a legislative framework which is just part of Jack Bingham's substantial legacy.

Jack was a pathfinder on many of these issues. Together with Gaylord Nelson, he led the way in establishing the rules which today govern all U.S. arms exports. The historic debates Congress has had over such proposals as the 1978 arms package to the Middle East, the 1981 AWAC's sale to Saudi Arabia, or the more recent debates over arms sales to Jordan and Saudi Arabia, were made possible only because of the Bingham-Nelson measure which ensured that Congress could exercise this constitutional perogative.

Starting with this improbable, come-from-way-behind victory over Representative Charles Buckley in 1964, Jack Bingham was never afraid to take on a tough fight. When he was thwarted in his efforts to reform U.S. nuclear power and nuclear export policies, he confronted industry boosters head-on. He was convinced that our national interests would better be secured by more prudent use of nuclear exports and higher safety standards for nuclear powerplants in the United States. He lost a few battles in this struggle, such as the fights he led in the mid-1970's over renewal of the Price-Anderson Act and funding of the Clinch River breeder reactor. But with guts and perseverance, he prevailed in the end. He singlehandedly abolished the Joint Committee on Atomic Energy, thereby ensuring more effective congressional oversight on crucial nuclear issues. He authored and sped through the House, with an overwhelming 411-0 vote, the landmark Nuclear Nonproliferation Act which sets the standards for crucial U.S. efforts to curb the spread of nuclear weapons. He succeeded in blocking the Nuclear Fuel Assurance Act in 1976 and thereby saved the American taxpayers the $8 billion in loan guarantees this imprudent measure would have offered; with the advantage of hindsight we know Jack Bingham was right—the uranium enrichment capacity this bill would have provided would have been totally superfluous, not to mention the proliferation danger of providing such capacity to nations like Iran. And of course in the end, the Clinch River breeder reactor was never built—Jack Bingham was right on that one from the beginning.

There is another type of contribution that Jack Bingham made as a Congressman and a leader that will not show up in any history book or any copy of the CONGRESSIONAL RECORD. But it is a contribution which has ensured Jack Bingham a special and enduring legacy.

Jack loved young people. Whether they were young Congressmen who came to him fresh from the hustings in search of committee assignments for their freshman year or young interns looking for a chance at a job on the staff of Congress, Jack always showed extraordinary patience and faith. When Jack had accumulated seniority he used his authority not to monopolize power, but to open the process to involve younger Members more deeply. He led the way for the House reforms of the "Class of the 94th Congress," and today in this body we have many of the Congressmen who benefited from Jack's wisdom and have now joined us in this body—PAUL SARBANES, CHRIS DODD, TOM HARKIN, LARRY PRESSLER, PAUL SIMON, just to name a few, and one Senator who worked on Jack Bingham's staff—PAT MOYNIHAN.

And Jack's legacy is with us on our staffs as well. Jack had a unique patience to take the time with kids fresh out of college or the military service and show them the ropes. He led by his example, by his exquisite manners and dignity. But he also brought great enthusiasm to his work; he took the time to critique with his sharp pencil the writing efforts of even his most junior staff interns. Today on the Hill, we are assisted by many of the minds that Jack helped train—Gordon Kerr, who serves so ably as Senator LEVIN's administrative assistant; Marty Gruenberg, who is Senator SARBANES' key adviser on Banking Committee matters; Diane Stamm, who plays a crucial role aiding Representative MEL LEVINE in his position of leadership on important foreign policy matters before the House; Gerry Warburg, who I am pleased to have on my own staff; and Roger Majak, who has served as a key assistant on the House Foreign Affairs Committee.

These young people remember Jack Bingham with deep affection as they seek to uphold his standards and to carry on in his tradition. And we in the Senate and the House remain indebted to Jack Bingham for his leadership, for his unflagging commitment to such causes as arms control, the security of Israel, and the best interests of the United States.

We shall remember Jack Bingham with affection and admiration; his was a life well lived.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I ask unanimous consent to delay the recess for a few moments. We are trying to reach the distinguished minority leader on scheduling matters. I ask unanimous consent that the recess be delayed until 12:10 p.m. It may not take that long.

The PRESIDING OFFICER. Without objection, it is so ordered.

□ 1200

POSTPONEMENT OF VOTE UNTIL 3 P.M.

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that the consent agreement entered into on June 27 with respect to the Scanlon nomination be postponed, to begin at 3 p.m. today rather than 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. The reason for that is that at 2 o'clock, we hope to take up the TV in the Senate resolution. I am advised the distinguished Senator from Alaska [Mr. STEVENS] would like to speak for 20 or 30 minutes. Then we hope to take action on that.

Also, it is my hope that between 2 and 3 p.m., we can appoint conferees on the tax reform bill. So this will accommodate those two urgent matters.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2 P.M.

Mr. DOLE. Mr. President, I move that we now stand in recess until 2 p.m.

The motion was agreed to and, at 12:04 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer [Mr. COCHRAN].

□ 1400

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

Mr. FORD. Mr. President, before we do that, may I make a unanimous-consent request?

Mr. DOLE. I yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

THE NEED FOR A BETTER BUDGET PROCESS

Mr. FORD. Mr. President, during the recent recess of the Senate, there appeared in the Brookings Review summer issue a timely and interesting article by Alice M. Rivlin, director of the economic studies program at Brookings, and former Director of the Congressional Budget Office.

The article addresses those reforms in our present budget process which Mrs. Rivlin believes are needed. In particular, she urges Congress to adopt the 2-year budget process which I have proposed since 1981. Like those of us in Congress who have supported this reform, Mrs. Rivlin acknowledges that a change to 2-year budgeting will not solve all budget problems—especially will it not make easier the difficult choice decisions we must make to achieve balance in our revenues and spending—but it will provide several significant improvements over our present procedures.

Mr. President, biennial budgeting already has begun to make its way into the Federal budget process. As required by the fiscal year 1986 defense authorization bill, the Defense Department will submit to Congress next year a budget request covering fiscal years 1988 and 1989; 2-year budgeting for the Pentagon was a key recommendation of the President's blue ribbon commission on defense management—the Packard Commission.

A 2-year budget for the Pentagon was touted by the Commission as a means of stabilizing the Nation's military funding. As the Congress normally does not complete work on annual defense budgets until shortly before the next year's budget request is submitted, the Pentagon must scramble to incorporate congressional changes into the new budget.

This problem is not unique to the Defense Department. Every department of the Federal Government, and State and local government agencies rarely know what to expect from us until the last moment. They cannot plan effectively under those circumstances to use scarce resources efficiently. We could do the country a great service by moving to a biennial budget.

Mr. President, the Rivlin article from the Brookings Review also discusses Gramm-Rudman-Hollings and the Federal deficit issue. I believe it should be read by every Member of Congress. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEED FOR A BETTER BUDGET PROCESS

(By Alice M. Rivlin)

(Alice M. Rivlin is the director of the Economic Studies program at Brookings. From 1975 to 1983, she served as the first director of the Congressional Budget Office. Together with five Brookings colleagues—Henry J. Aaron, Harvey Galper, Joseph A. Pechman, George L. Perry, and Charles L. Schultze—she is co-author of Economic Choices 1987. This article is adapted from a chapter of that book.)

The time has come to simplify the federal budget process. Hardly anyone likes the complicated and arcane procedure the U.S. government uses to arrive at a budget. The process consumes enormous amounts of executive branch and congressional time and even then is rarely completed. Deadlines are missed, and government agencies frequently run on "continuing resolutions" rather than regular appropriations. Occasionally a president makes a show of closing down the government for a few hours because agreement has not been reached on further funding.

Frustrated with continuing budget deficits and their inability to reduce them, Congress and the president agreed in the fall of 1985 on the Balanced Budget and Emergency Deficit Control Act, better known as the Gramm-Rudman-Hollings law. The law, which set up a mechanism to balance the budget in five years, was enacted in desperation to break the deadlock between Congress and the president and reduce the deficit, but not even its staunchest defenders regard it as a desirable process for making a budget. Whether or not this desperate gamble will work to cut the deficit, the question remains; what can be done to improve the budget process?

A drastic simplification is in order. Most spending decisions should be made for two or more years at a time, and possibly the whole budget should be shifted to a biennial basis. Congressional committees should be restructured to combine the authorization and appropriation functions. The budget itself should be simplified and the number of line items greatly reduced, actions that would help shift congressional attention toward major policy issues and away from detailed micro-management. As for the Gramm-Rudman-Hollings law, I share the hope that it will hasten agreement on deficit reduction but regard it as a bad budget process. Constraining the budget deficit to a particular number—whether by law or constitutional amendment—risks destabilizing the economy.

WHY MAKING A FEDERAL BUDGET IS SO HARD

Making the budget process simpler and more comprehensible, however, would not make the decision easier. Budget-making is inherently difficult for any organization, whether it be a family, a business, a university, or a government. There are never enough resources to carry out all desired activities. Choices have to be made, and those choices often bring to the surface deeply divergent views about the organization's purpose, how that purpose should be carried out, and who should bear the burdens or reap the benefits. Nevertheless, most organizations do manage to make budgets and live with them. Why is the U.S. government experiencing such agonizing difficulty?

Four conditions can make it especially difficult for an organization to agree on a budget. First, it is harder to make a budget when there are lots of choices regarding both income and spending. Poor families have to eat and pay the rent; poor governments have to defend the borders and deliver the mail. Neither has many choices. Life is easier for families and governments with more earnings and sources of revenue, but budget choices get more complicated.

Second, budget-making is more complex when the organization has access to credit. Without credit families would be far less adequately housed and equipped, businesses would find it hard to function, states and localities would forgo building needed facilities. If it were unable to borrow, the federal government would be forced to raise taxes or cut spending during recessions, making swings in the economy much wider. But governments, like families and businesses, can

over-borrow, and the question of how much to borrow or pay back makes budgeting more complicated and contentious.

Third, variations in prices, employment, incomes, and responsibilities make it difficult for any organization to estimate future costs and revenues and reach decisions about them. Finally, and most important, budget-making is hard when the organization has multiple decision-makers with different convictions about what the organization ought to do and how it ought to do it. The situation requires a budget process—a procedure for arraying choices, debating what should be done, and making decisions.

The U.S. government is subject to all of these budget-complicating conditions in extreme form. It has the taxing capacity of a wealthy country and faces a high level of world and domestic responsibilities. It has apparently unlimited access to credit and has experienced the uncertainties about costs and revenues associated with wide swings in prices and economic activity and with unexpected world events. But most important is the decision-making complexity inherent in the constitutional separation of powers between Congress and the president. The president can propose changes in budgetary priorities, but the ultimate power to levy taxes and authorize spending of public funds is lodged in Congress, subject only to presidential veto. This divided rule works well when the president and Congress are in broad agreement or are willing to compromise their differences. It leads to deadlock and frustration when congressional and presidential views differ and one or both are unwilling to strike a bargain. Recent deficits have reflected the collision between the president's unwillingness to increase taxes or reduce defense growth and Congress's refusal to cut domestic spending by the amounts or in the ways proposed by the president.

One can imagine a contentious family with differing views on how to reduce its budget deficit arriving at a procedure like Gramm-Rudman-Hollings. First, some members might argue that the deficit is temporary and the family will "grow out of it"; others that the deficit does not matter. Gradually all realize that they are facing a permanent and potentially damaging gap between expected spending and expected revenues and that debt and interest payments are rising rapidly. Members of the family propose different plans for adjusting spending and revenues and are unwilling to compromise. Finally, someone suggests that all spending be cut by a fixed percentage until balance is restored. But some expenditures—the mortgage, car payments—cannot feasibly be reduced, so these are exempted. The percentage by which the remaining items must be cut to meet the target then rises. Everyone recognizes that this is an undesirable way to make budget decisions, but they are so desperate to reduce the deficit that they agree that the formula cuts will automatically come into effect on a specific date if they cannot settle on a more satisfactory way of reducing the deficit in the iterim. This is how the U.S. "family" adopted Gramm-Rudman-Hollings.

EVOLUTION OF THE PROCESS

Surprisingly, despite all the talk about the budget and the budget process, no budget for the U.S. government is ever actually enacted as such. Government spending and revenue in any one year result from the application of a large number of separate laws enacted at different times that specify how the government can raise and spend money. The elaborate set of documents labeled "The Budget of the United States Government," which the president issues with such fanfare each year, is really a set of proposals, detailed estimates of what will be spent and collected in the next year if the president's recommendations for spending and taxing laws are accepted by Congress and the economy behaves as the administration assumes (or hopes) it will.

Because of the separation of powers, the history of budget-making in the U.S. government is two separate histories: that of executive branch efforts to evolve a procedure for crafting the president's budget proposals and that of congressional efforts to make spending and taxing decisions in a more orderly way. Gramm-Rudman-Hollings is unique because it tries for the first time to deal with the efforts simultaneously and create a procedure for forcing the president and Congress to attain an agreed budget deficit target together. It is not yet clear whether this objective can be achieved in a way that does not violate the constitutional separation of powers.

THE PRESIDENT'S BUDGET

The U.S. government had no budget decision process at all until after World War I. Throughout the nineteenth and early twentieth centuries, the central government had few budget responsibilities, and government agencies took their requests for funds directly to Congress.

The Budget and Accounting Act of 1921 represented a major departure from these practices: it was the first in a series of institutional changes designed to make sure the president controlled requests for funds and proposed a budget that reflected the views and priorities of his administration. The act created a new staff, now called the Office of Management and Budget, charged with examining the requests of agencies and providing the president with the information on which to base budget proposals.

Subsequently, the Employment Act of 1946 charged the newly created Council of Economic Advisers with responsibility for forecasting economic developments, assisting the president in formulating fiscal policy, and making an annual economic report to Congress. In the 1960s and 1970s the executive branch attempted to improve the systematic evaluation of government programs, to look further into the future at needs for government action, to estimate the costs, benefits, and distributional effects of alternative spending or taxing programs, and to put the budget decision-making process on a firm schedule.

Thus by the early 1970s the executive branch of the government had institutionalized budget-making. The president was well equipped to translate his political predilections into budget proposals. But the results of all this executive activity was just a set of proposals. Congress was responsible for making the ultimate budget decisions.

THE CONGRESSIONAL PROCESS

Unlike the executive branch, by the 1970s Congress had evolved no comparably centralized institutions. Before 1974 no committee had legislative responsibility for budget policy as a whole. Many spending decisions were made in two stages. First, legislative committees worked on bills authorizing spending for particular programs. Even after such bills were passed by both houses and signed by the president, no money could be spent until separate appropriations bills made their way through another set of committees in both houses and were approved and signed into law. More than a dozen major appropriations bills were voted on at different times of the year. Relative priorities, such as defense as opposed to education or health, were never explicitly considered.

Spending for social insurance and other entitlement programs, which was growing rapidly in the 1960s and 1970s, remained outside the normal appropriations process. Amounts spent on these programs were determined automatically once the characteristics of beneficiaries and the level of their benefits were defined by legislation.

Revenue bills came out of different committees and were voted on separately from spending measures. Because the spending and taxing sides were never brought together, Congress never voted on the question whether revenues and expenditures were in appropriate relationship to each other. Congressional budget policy was the accidental result of spending and revenue decisions influenced by different committees and made at different times.

Spurred by feelings of frustration and impotence in confronting President Nixon, whose priorities differed from their own, members of Congress finally took a long overdue step and passed the Congressional Budget Act of 1974. The act created budget committees in each house charged with formulating an overall budget policy that, when passed by Congress in the form of a budget resolution, would serve as a controlling framework within which individual taxing and spending measures could be fitted. It also created the Congressional Budget Office to give Congress an objective, nonpartisan source of budget analysis and information.

The budget act provided for an elaborate three-stage process spread over a nine-month period between January, when the president's budget proposal is made, and October 1, when the new fiscal year begins. In the first stage the budget committees would produce a first concurrent resolution on the budget that would specify the aggregate level of federal spending for the next year, break down that spending by major categories (but not by detailed line items), and indicate revenues to be available and the resulting deficit or surplus.

After this resolution was agreed upon, specific appropriations and tax bills would be passed in line with the aggregate numbers specified in the resolution. The figures in the first resolution, however, were regarded as targets and were not absolutely binding. In the final stage Congress would reconsider whether the targets were still appropriate and, if necessary, reconcile specific bills with the desired aggregates. A second concurrent resolution on the budget—this time a binding one—would then be passed.

The 1974 law gave Congress a much needed mechanism for making overall budget decisions. Unfortunately, it also made an already complex and lengthy decision process still more complicated and time-consuming. The new procedure retained all the existing authorizing, appropriating, and tax writing committees and added yet another layer: the budget committees. The resulting schedule of detailed and difficult decisions to be made in sequence each year was impossibly demanding, even if reasonable agreement existed on overall budget policy.

For example, it soon became apparent that two budget resolutions were too many. The compromises on budget priorities needed to pass a first budget resolution

were difficult to achieve and often occurred later than the May 15 deadline. Once an agreement was reached, no one wanted to reopen the arguments. Hence the second resolution quickly became a formality, then was officially folded into the first.

The new decision process established by the Congressional Budget Act of 1974 accomplished its major purpose. It gave Congress a forum for deciding fiscal policy. The new procedures were expected to stengthen congressional power at the expense of the president's. However, in 1981 President Reagan, aided by his aggressive budget director David A. Stockman, used the centralized features of the congresssional budget process effectively to obtain congressional approval of drastic changes in the federal budget. The major elements of the Reagan program—tax cuts, increases in defense spending, and reductions in domestic spending—were embodied in a three-year budget resolution and passed by Congress as a package.

Reconciliation, the process originally associated with the second budget resolution, was used to bring entitlement programs and other ongoing spending legislation into conformity with the reduced domestic spending totals in the first (and only) budget resolution. These numerous, complex, and sometimes far-reaching changes in existing laws were also voted as a single package.

The events of 1981 showed that a president with strong views on budget priorities and a recent election mandate could use the congressional budget process to obtain rapid ratification of dramatic changes in the budget as a whole. The fragmented decision process that existed before the 1974 reforms would have made these instant, simultaneous changes in many parts of the budget much less feasible. President Reagan's use of the reconciliation process for wholesale alteration of detailed spending legislation, however, left many congressional committees, especially in the Democratic House of Representatives, bruised and determined to reassert their traditional powers.

The budget decisions made in 1981 resulted in enormous deficits in subsequent years. The tax cuts reduced federal revenues as a percent of gross national product while spending continued to increase. The future deficits were not anticipated in 1981, in part because the budget resolution assumed unspecified future cuts in domestic spending that never materialized. More important, however, the budget resolution was based on optimistic economic assumptions that soon proved totally unrealistic. The recession precipitated by high interest rates in 1981 caused a rapid surge in deficits. Financing an escalating debt at high interest rates led to unprecedented increases in federal spending for interest payments. As a result, increases in spending for defense and interest substantially exceeded cuts in domestic spending, leaving a growing deficit even as the economy recovered.

Beginning in 1982, rapidly escalating deficits subjected the entire federal budget process to extreme stress. Under this stress two weaknesses of the decision process stood out clearly: the basic problem, built into the Constitution, of resolving any difficult problem when the president and Congress disagree, and the layering of the process that made it unwieldy and time-consuming in normal times and close to nonfunctional under stress.

DIFFICULTIES OF DIVIDED POWER

The debate over each successive budget since 1981 has been dominated by clashes of views over the deficit. Between 1982 and 1984 President Reagan vacillated on the seriousness of the deficit, sometimes alleging that it would disappear as the economy grew and sometimes deploring it and calling for reduced domestic spending. Presidential budget proposals reflected a consistent budget strategy that continued the defense buildup, rejected both tax increases and cuts in social security, and proposed substantial reductions in many domestic activities. Congressional leaders generally made stronger statements about the necessity of getting the annual deficits down, but differed with the president and with each other on how to do it. Actual budget actions reflected painfully engineered compromises that generally pared back the president's defense increases, accepted some but by no means all of the proposed domestic cuts, and raised revenues somewhat, most notably in 1982 when aspects of the generous tax cuts of the previous year were rescinded. The result was to reduce anticipated further increases in the deficits but to leave them still at unprecedented levels even though the economy began recovering rapidly in 1983.

By 1985 both the administration and Congress had come to realize that the deficits would not disappear with economic growth and were a threat to the long-run health of the economy. But views on what to do about them had not converged. The battle over the fiscal 1986 budget was long and bitter. It resulted in congressional rejection of further defense increases in that year and of most of the deep domestic spending cuts proposed by the president. The president first accepted and then pulled away from a Senate-passed proposal to suspend the social security cost-of-living adjustment and similarly rejected all efforts to reduce the deficit by increasing revenues. Although final budget actions made inroads on future deficits, the conflicts left all parties feeling frustrated, discouraged, and helpless.

In this atmosphere the Gramm-Rudman-Hollings proposal was offered in the fall of 1985 as an amendment to a necessary increase in the debt ceiling. Unexpectedly, it gained wide support. Although members of his administration expressed reservations about the approach, especially about the possible impact on defense spending, the president endorsed the proposal and it passed quickly.

The law sets annual targets that reduce the budget deficit to zero in fiscal 1991. If in any year agreement cannot be reached on the specific measures needed to achieve those targets, the law provides a mechanical formula that cuts defense and civilian spending in approximately equal amounts sufficient to meet the goal.

The impact of the new law was felt immediately. Application of the law's mechanical formula on a limited basis in fiscal 1986 cut $11.7 billion from spending in that year and reduced the spending base by substantially more than that for future years. Reaching the targets by applying the formula in 1987 and beyond, however, would seriously impair the effectiveness of both civilian and defense programs. It is hard to believe Congress and the president will allow this to occur. The hope is that the desire to avoid this outcome will bring about agreement on a more sensible way of reaching the targets.

The current situation is complicated, however, by the possibility that the Supreme Court may uphold a circuit court ruling that the automatic formula is unconstitutional because it involves having an officer of Congress (the comptroller general) certify what cuts are to be made by the president. The lower court held this to be a violation of the constitutional separation of powers. If the Supreme Court upholds the lower court, Congress can still use a procedure in the law that involves voting to withhold the funds specified by the formula. It might be reluctant to do this, however, and if it did, the president could veto.

Even if Gramm-Rudman-Hollings forces agreement on a deficit reduction plan, it is an undesirable budget process. First, the procedure, which requires cutting every unexempted line item in the budget by a fixed percentage, allows no reconsideration of priorities and could lead to absurd and unintended results. Second, the adoption of a fixed dollar target for the deficit can destabilize fiscal policy.

Finally, Gramm-Rudman-Hollings does nothing to reduce the layering and complexity of the current budget process. The law does strengthen enforcement of the budget resolution, which should improve congressional self-discipline, but it also adds to congressional workloads and accelerates deadlines that were already proving impossible to meet. For example, the law requires Congress to pass the budget resolution by April 15, although the current deadline of May 15 has not been met in some years. Deadlines are missing in large part because the process itself is overly complicated. Congress will not solve this problem merely by exhorting itself to try harder to finish on time.

WAYS TO SIMPLIFY THE PROCESS

Even before it was subjected to the stress of dealing with large deficits and divergent views among House, Senate, and president, the budget process was showing signs of breaking down of its own weight. Participants complained about the length of time spent on each budget—at least six months for preparation of the president's proposal and at least nine months for congressional decisions. Deadlines were missed regularly and continuing resolutions became more and more frequent because agreement often could not be reached on regular appropriations. Participants also complained about the multiplicity of congressional committees with overlapping jurisdictions. Testifying on the same issues before several committees on both sides of the Hill consumed the time of executive branch officials and members of Congress alike.

Moreover, the frequency with which the same issues came up for consideration meant that many decisions were never final. Crucial votes on major weapons systems, such as the MX missile, were occurring in each house three or more times in a single year in the context of authorization, appropriation, and budget action. Congress seemed more and more immersed in the details of federal programs and less and less concerned with the overall directions of federal policy. A growing number of members and observers of Congress have come to believe that drastic change is needed to improve the effectiveness of the congressional budget process. But the deficit crisis itself has delayed serious consideration of procedural change.

Three types of reform would make effective decisionmaking more feasible: making decisions less often by moving to a multiyear budget, reducing the number of committees by consolidating the authorizing and appropriating processes, and simplifying the budget itself by reducing the number of accounts and line items.

MULTIYEAR BUDGETING

An obvious way to reduce the time spent on the budget process would be to go through the process less often, perhaps every other year. Less frequent budgeting has many clear benefits. The managers of federal programs and the recipients of federal grants could plan programs more effectively if they could assume funding for a longer period. They could spend more time managing and less time preparing and defending budgets and adjusting to funding changes. And Congress, relieved of annual budget battles, could devote more attention to long-run issues and more careful oversight of federal programs.

Spending levels for some programs are, of course, affected by unpredictable cataclysmic events, such as the outbreak of war. But such events have to be dealt with on an emergency basis even with an annual budget process. It is hard to imagine that most federal programs benefit more from hasty annual review than from more thorough, better prepared evaluation at longer intervals.

It is true that budgeting depends on economic assumptions about the future and that longer-run forecasts are more uncertain. But only a few programs are greatly affected by the state of the economy, and many of these are entitlement programs that adjust automatically. If the economy suffered an unexpected recession in the middle of the multiyear budget period, Congress might well want to consider changing tax rates or accelerating some spending programs. But this could be done—as it is now—without reconsidering the whole budget.

Numerous bills proposing multiyear budgets have been introduced—most calling for biennial budgeting, which is used by many state governments—and some hearings have been held. Some biennial budget bills envision Congress spending the first year of each session on program oversight and other matters and handling the two-year budget in the second year of the session. Under this arrangement a newly elected president who wanted to alter his predecessor's budget either could use the first year of his term to build support and understanding for the changes or could move ahead more rapidly to amend the existing budget. Other bills would have each Congress make a two-year budget in its first session and use the second to consider other legislation.

Even if the whole budget were not moved to a multiyear basis, Congress could get many of the same advantages by shifting to multiyear authorization or appropriation or both in major areas of the budget. Defense seems an especially good area for such a change. Indeed, recently enacted legislation requires the Department of Defense to submit a two-year budget beginning with fiscal 1988 and 1989.

While legislators sometimes argue that they would have less control over federal activities if budgeting were done less often, they actually would be better able to make significant changes. Major shifts in direction, such as bringing down the deficit or modernizing the armed forces, cannot be accomplished in a single year. A longer budgeting period would give greater scope for such major shifts to be designed and carried out. Indeed, in the last several years Congress has of necessity moved to a multiyear budget resolution with accomplishing reconciliation measures. The dramatic changes of 1981 involved a three-year budget resolution as well as a three-year tax bill. Subsequent efforts to bring down the deficit necessarily involved more than one year, so three-year budget resolutions have become standard. Nevertheless, appropriations and many authorizations are still done one year at a time. It is time to move the whole process to a two-year cycle.

CONSOLIDATING THE AUTHORIZING AND APPROPRIATING FUNCTIONS

In principle the legislative or authorizing committees write the basic legislation that governs how federal programs function, and the appropriations committees budget specific sums to carry them out. In practice the distinction between the two has often blurred in recent years, perhaps because of the intensity of interest in the budget and the small number of new programs being considered. In working out the defense budget, for example, the authorizing committees and appropriations subcommittees often appear to be doing exactly the same thing—subjecting the budget to line-by-line scrutiny with special attention to procuring weapons systems. Such duplication wastes the time and energy of Congress and executive branch alike.

On the other hand, spending for entitlements, now two-fifths of the budget, is outside the appropriations process. The bulk of entitlement spending is handled by the tax committees, sometimes creating logjams for these overworked committees.

Restructuring the committees would improve the budget process. Ideally each major area of federal activity—defense, income security, national resources, and so forth—should have a program committee responsible both for drafting basic legislation and for reviewing budgets in its area. Each would handle both entitlement programs and discretionary appropriations. Revenue committees would handle only revenue, not spending, programs. The budget committees would be charged with putting together an overall budget strategy that would include both revenue and spending. They would also consider relative priorities among programs and recommend appropriate fiscal policy.

A further step, one with considerable appeal, would be to hold all spending and tax bills for final vote at the same time. Indeed, they could be put into a single bill. Congress would then be voting on a budget for the whole government and sending it to the president in one package. This type of budget action is standing in many governments, but the U.S. government has never had a budget voted this way.

REDUCING MICROMANAGEMENT

Under present procedures a single omnibus appropriations bill would be an apallingly long document. This length is symptomatic of a basic problem of the budget process: the tendency of Congress to budget in too much detail. The current budget is divided into thousands of budget accounts and subaccounts. The executive branch is given very detailed line item budgets with little authority to shift money from one item to another as conditions change. This detail makes the budget process an arcane business and focuses congressional time and energy on minutiae rather than on overriding issues of policy.

Drastically cutting the number of line items in the budget would be desirable but would make a real difference only if accompanied by a genuine change in the way Congress perceives its own role. Congress would have to begin functioning more like a board of directors making major policy decisions for the country and less like a group of 535 managers specifying detailed operations for the executive branch.

None of the changes suggested here would require amending the Constitution. Each could be accomplished by legislation or changes in House and Senate rules and customary practice. All the recommendations, however, would meet with strong opposition in Congress (and to some extent in the executive branch) because each threatens the existing power structure. Multiyear budgeting would deprive Congress of the annual chance to impose its will in appropriations and other budget legislation. Consolidating the authorizing and appropriating processes would reduce the number of committee and subcommittee chairmanships.

Budgeting in less detail is perhaps the most threatening of all, because Congress has a long tradition of making itself felt and protecting constituent interests through tinkering with line items. Nevertheless, Congress is highly frustrated with the current system, which imposes an exhausting workload but yields little satisfaction of accomplishment. Once the deficit crisis is at least partially resolved, but before memories of this stressful period recede, the chance for substantial reform of the budget process seems high.

OTHER POSSIBLE REFORMS

President Reagan favors two major changes in budget procedures that he believes would work to hold down federal spending and deficits: a constitutional amendment to require a balanced budget and a line item presidential veto. Both proposals are troublesome.

Requiring balance in the budget regardless of the state of the economy could force the federal government to adopt an inappropriate fiscal policy. Drafts of constitutional amendments usually have escape clauses, but it is difficult to foresee the variety of special circumstances that could affect future fiscal policy. Such amendments usually empower a super majority (two-thirds or three-fifths of Congress) to override a requirement to balance the budget. Such a clause, however, might create an incentive for legislators with favorite spending projects to trade the inclusion of these projects for their agreement to join the super majority. Spending and deficits might actually end up larger than without the amendment. To the extent that an amendment to balance the budget holds down federal spending, however, it may lead the government to substitute additional regulation for spending and to achieve goals by requiring businesses or state and local governments to make certain kinds of expenditures. Such amendments also provide a strong incentive to create off-budget agencies or engage in "creative" accounting. All in all, the risk of trying to handle a complex issue like fiscal policy by amendment to the Constitution, whose greatest virtue is its brevity and flexibility, seems far greater than the benefits.

The proposed line item veto also presents problems. While the president may use his veto power only to reject a whole bill, many state governors have the power to veto individual line items without rejecting the whole bill. Numerous presidents have asked for a line item veto, a power that they hoped would forestall the congressional tendency to insert spending items with which the president disagrees into bills he needs and does not want to veto.

The line item veto would enhance the power of the president and diminish that of

Congress, but it is easy to exaggerate its impact. The president needs congressional support for his programs and is unlikely to risk antagonizing many members, especially chairmen of important committees and subcommittees. Moreover, the latter could doubtless find ingenious alternative ways of protecting favorite line items, such as military bases or other federal installations, from presidential veto. A committee could hide a threatened line item in a larger total, for example, but add language stating that none of the funds are to be used to close the specified installation. Moreover, while a conservative president might use a line item veto to cut pork barrel spending projects, a big-spending president might use the threat of a line item veto to garner votes for spending he favored.

In any case it is not realistic to think that the line item veto would reduce the current deficits appreciably. President Reagan is unlikely to use a line item veto to reduce defense spending. Interest payments cannot be vetoed, and entitlement programs generally do not come to the president in a form in which such a veto would be possible. The president might use the line item veto to kill a few domestic spending items of largely local interest, but the spending impact of such actions would be small.

CONCLUSION

Simplifying the budget process along the lines discussed would make the process more understandable and less exhausting and would probably lead to more thoughtful decisions. It is important, however, not to claim too much for procedural change. A well-designed budget process can, at best, do three things. It can reduce but not eliminate uncertainty by making sure that participants have the best available projections and analyses of budget options in intelligible form. It can also put the sequence of decisions in a logical order so that participants have a chance to make the most important decisions, not just the subsidiary ones. This lack of order was the weakness in the congressional budget process corrected by the reforms of 1974. Finally, a well designed budget process can save time for decisionmakers so that budget affairs do not overwhelm other activities of government. The current process fails miserably on this last criterion.

No set of procedures, however, can force participants to make choices that they do not want to make or do not regard as necessary. Reforms to the process cannot substitute for political will or for the exercise of leadership in working out compromises among warring parties. As long as the government sticks with a system under which power is divided between the president and Congress—and separation of powers should be maintained—the priorities of the president and Congress will occasionally conflict. Changes in the budget process are unlikely to cure this situation. Resolution of the conflict will still require statesmanship and the willingness of both sides to compromise.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objections, it is so ordered.

TAX REFORM CONFEREES

Mr. PACKWOOD. Mr. President, with respect to H.R. 3838, the tax reform bill, I move that the Senate insist on its amendment and request a conference with the House to the disagreeing votes thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Chair appointed Mr. PACKWOOD, Mr. DOLE, Mr. ROTH, Mr. DANFORTH, Mr. CHAFEE, Mr. LONG, Mr. BENTSEN, Mr. MATSUNAGA, and Mr. BRADLEY conferees on the part of the Senate.

Mr. PACKWOOD. I move to reconsider the vote.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent that the chairman of the Finance Committee, in consulation with the ranking minority member, may, as they in their discretion deem necessary to facilitate the work of the conference for reasons of workload or expertise, appoint one additional conferee from the majority and one additional conferee from the minority, at any time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I suggest that the majority would designate as our one further member of the conference Senator WALLOP.

Mr. LONG. I suggest that the minority designate Senator MOYNIHAN.

The PRESIDING OFFICER. The Senators have that right.

Mr. LONG. And we have done it.

□ 1410

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUED TELEVISION COVERAGE OF SENATE PROCEEDINGS

Mr. DOLE. Mr. President, it had been my intent at this time to ask unanimous consent to consider a resolution which would permit the continuation of TV coverage until we had the final vote on July 29. I am advised that there will be an objection to the immediate consideration of that resolution. I am going to withhold asking unanimous consent but I will at a later time. I think there are a number of Members who would like to discuss the resolution. I would just indicate that all the resolution says is that "notwithstanding any other provision of Senate Resolution 28, agreed to February 27, 1986, television coverage of the Senate shall continue under the same bases provided during the live test in section 5 of Senate Resolution 28 unless the Senate votes pursuant to section 15 of Senate Resolution 28 to end coverage."

That resolution would continue live coverage this week, continue live coverage next week, have the vote on Tuesday, July 29. In the interim, as early as tomorrow afternoon, the Rules Committee will be meeting to discuss a number of changes which have been recommended by the distinguished minority leader and his ad hoc committee, a number of Senators on that side, and by the majority leader and a number of Members who formed an ad hoc group on this side as to what changes should be made if we are to continue live coverage after July 29. Should we be permitted to bring products on the Senate floor, for example? How large should the graphs and the charts be? Should there be special orders and, if so, should they come at the end, or should it be a matter of agreement between the leadership on a daily basis, or should we continue as we are doing now? A number of good suggestions have been made.

It is the view of the majority leader and I believe the minority leader that television is here to stay, no boubt about it. The American people I believe for the most part have been helped to some extent by TV in the Senate. It is not perfect, probably not very exciting, not many people jumping up and down, at least in the viewing audience—maybe on the Senate floor—but it has been instructive and there have been a number of positive comments about live coverage.

There is some concern about what happens during extensive quorum calls. We need to address that. Sometimes a quorum call will go on for 20, 25 minutes. We could recess or we could hopefully encourage Members to come to the floor with their amendments or with other business to avoid the quorum calls. I would hope maybe after discussion of 45 minutes the distinguished Senator from Wisconsin, who has serious reservations—and I do not quarrel with his reservations—about TV generally and about extending it during this next 7 or 8 days, might permit us to do that, knowing that there are a number of areas we need to address. And so I will withhold asking unanimous consent, but I think we do have at least 45 minutes before taking up the Scanlon nomination, and I am certain we could extend that if necessary.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I will be happy to yield to my good friend from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alaska, my good friend. I will be brief. I join with the distinguished majority leader in expressing not just the belief, but what I think is a certitude, that is bound to happen, and will happen; that is, that the Senate will go forward with permanent television and radio coverage of the Senate debates and deliberations. The televised debates I think have been better, speeches have been more substantive and more to the point. I think that it has been informative to the viewing public.

I have had very good comments from outside the Senate, very good comments from people from all over the country who have written to me, and who have talked with me from time to time. I have no doubt but that this step, which has been carried on as a trial step up to this point and will be for a few days longer, will prove to have been a major step forward in strengthening our form of representative government.

As I said earlier on, the galleries, which were first opened to the public in 1794 briefly during the Senate deliberations on the qualifications of Albert Gallatin, and were opened permanently the next year—in that day the Senate was meeting in Philadelphia—accommodated only about 50 persons but now the galleries have been extended "from sea to shining sea," in the words of the song "America, the Beautiful."

Eight million households now receive C-SPAN II, the cable channel added by C-SPAN to carry the proceedings of the U.S. Senate. If the Senate proceeds with a 2-week dark period as allowed in Senate Resolution 28, it will create confusion and inconvenience for the very people who have supported our efforts to televise our proceedings—the people of C-SPAN who have made it available and the viewers who have become regular fans, as well as the various cable systems that have become part of the media carrying this coverage.

We have a chance to avoid the confusion by waiving the dark period. Some of the problems that may ensue if the Senate should not waive this provision are these:

First, C-SPAN itself is unsure of its plans if the cameras are turned off for 2 weeks. They do not want to repeat the confusion of the first day of our proceedings which were broadcast on C-SPAN I so that more people could share in that historic day. They were deluged with calls from viewers who had been told that their local cable system did not plan to carry C-SPAN II. Through the diligent marketing of C-SPAN, many cable operators changed their minds and now offer C-SPAN II.

I regret to say that this has not yet happened in West Virginia. I hope that cable operators in West Virginia will take steps promptly to offer C-SPAN II.

I suppose we can imagine the calls from irate viewers and cable operators beginning tomorrow morning when they see a billboard on their TV screen instead of Senate proceedings. I wonder how many of our viewers will think we have gone off the air or wonder when the Senate will go back on the air.

In a television society, we know the problems that the networks have when, for example, they start moving entertainment shows from night to night. There are important debates that will occur during this 2-week period. Senate debates and the coverage of deliberations in the Senate, of course, are not like the entertainment shows, and probably the viewers are not as loyal to viewing this coverage as they might be to "Magnum, P.I." or "Moonlighting." There are important debates, however. I cannot make the case that these debates should not be seen by the American people. I can make the case that they should be seen. I believe it is vital that we televise the debates on such issues as South Africa, the nomination of Daniel Manion, SALT II, SDI, and defense spending priorities. We do not serve our constituents well if we decide to debate these issues off camera. While I know that such mischief is the last thing on the minds of any of our colleagues, the atmosphere for mischief is certainly enhanced with the cameras off.

Anyone who has watched the national and local television news for the past 6 weeks knows that televising the Senate has added a new strong voice to the national debate as it is portrayed on the evening news. I also see a good many more print media stories about the actions of the Senate, now that there is television and radio coverage. I would hate to see us silence that voice—even for 2 weeks—particularly when such important national issues are before us.

Most of the Senators who originally wanted this dark period have indicated that they are willing to waive it. I certainly understand that a Senator may wish, for the moment, to perhaps decline to consent to waive the dark period. It is within any Senator's right to decline at this moment to give consent to the waiver of that period.

I have a feeling that there may be a temporary problem today. I do believe, however, that the matter will resolve itself shortly, long before the 2-week period elapses.

I thank the distinguished Senator from Alaska [Mr. STEVENS] for his courtesy in allowing me to go forward.

Mr. STEVENS. Mr. President, I am delighted to have the opportunity to allow the distinguished minority leader to make his comments, as he should, at this time.

I want to remind the Senate that at the time we took up this resolution on February 27, the Senator from Oklahoma suggested a couple of amendments. He had a series of amendments, but it turned out there were two he wanted to have taken up.

At that point, I pointed out to the Senate that this provision for turning off the television after an experimental period was in some of the original drafts and we had deleted it because we felt a hiatus would develop, just as it was now, and there were a number of us who made firm commitments to other Senators that if we were able to bring this resolution to a vote, to allow this trial period, we would in fact maintain the concept of having a period during which television coverage was turned off, in order that the whole conduct of the experiment could be explored by the Rules Committee.

The Rules Committee will meet tomorrow and start to review all comments that have been made to it, and made by both the majority and minority ad hoc committees.

It is my feeling that there are a great many things that have to be resolved before this becomes permanent, and they will be resolved faster if we do what we said we would do and turn off television and really review the experiment and review it not just in committee, but have every Senator with his staff review what has gone on.

For example, I do not believe it is proper, on the floor of the Senate, to have show and tell going on here every day. People expect that with children in their schools; but to have it on the floor of the Senate, I think, will soon get out of hand.

As the distinguished majority leader said, if you can bring in a bottle of milk, pretty soon you can bring in a cow. The question is, What are the reasonable limits of the use of supporting material such as charts? Some people say it should be limited, that you should not be able to bring commercial material on the floor. When we get to the issue of abortion, I hate to think of what might happen in terms of bringing fetuses to the floor, or something like that, for that discussion.

I remember once, in days gone by, when I was of the impression that it was proper to bring to the floor a piece of netting we had seized on the North Pacific which was being used by Japanese to ensnare our salmon. It was killing a great deal of salmon, and I thought it should be brought out. In those days, it was just by the power of suggestion of the majority leader and

the minority leader that that was not proper, that a young Senator listened and did not do it.

□ 1430

Now the problem is, How can you possibly have that type of suggestion once the television coverage is on and someone walks out here on the floor with an object that other people would take offense to?

I think we need to have consideration in the committee as we intended to do it in the beginning at least for this week and probably in the next week, if necessary, but at least for this week we should have that.

Beyond that, I also have the feeling that television has brought a compulsion for completion of the work of the Senate that is artificial. Although I have been one who supported television from the beginning in terms of having television coverage here, I have seen now in the period that it has been on occasions when Members would say, "Let's get this over with; we can start something else tomorrow and you know the people out there looking at this proceeding ought to know what our final decision is."

I think the Senate has a peculiar role and a particular role in the American system. We are the continuum of Government. We have 6-year terms. At any time there are at least two-thirds of the Senate that have the right to continue to serve beyond the next election for a period of time. The President has 4 years. The House has 2 years. But we are the continuum and we ought not to be in a pressure cooker because of the heat of the television lights.

We ought to have a chance to do our work and do it as the Constitution intended for us to do it in as a calm, deliberative body. Sometimes it is not so calm and I add to that problem. But I do believe that we ought to turn these cameras off as we said we would do on February 27.

We should encourage every Member of the Senate and the public to give us their ideas as we go into the Rules Committee hearings that start tomorrow and set down some parameters for the use of televison in the Senate. It may not even take changes in the rules.

In my judgment, the understanding of the Senate as to the proper conduct of the Senate while television is on ought to be sufficient and there ought to be a return here to the concept of the mutual understanding of each Senator of the necessity for some kind of procedural changes that do not require total rules changes, but understandings as to what is proper while we are conducting our business with Senate coverage.

Again, one of the things that bothers me mostly is this concept of show and tell. I really believe we ought to find some way to have an understanding when the television goes back on of what a Senator may bring to this floor, what he may show to the public as a Senator here on the floor, and not have the impression that we are conducting a classroom, that we somehow or other have to bring back items from our last trip, whether it be home or abroad, but that we do our business and we legitimately use the support mechanisms of charts or graphs to emphasize points, but not get into this extraneous material, no matter what it may be, being brought to the floor for the purpose of illustrating a point not to other Senators but to the public out in the television audience.

So, Mr. President, I hope that we will turn off the television now and contemplate this project as we intended on February 27.

Mr. PROXMIRE. Mr. President, I agree with my good friend from Alaska. We were not promised. Of course, you cannot put it that way. But we were told in the publication that was issued on March 7. This is a Democratic Policy Committee publication and has the integrity of our Democratic Party. It says on July 15 television coverage will end. It does not say may end. It does not say maybe we will extend it. It told us and the people who were broadcasting the television proceedings in the Senate that television proceedings will end on July 15. That was a commitment.

Now, all of a sudden they are saying we are not going to end it at all. We are going to go through with the 2-week period that was supposed to be a period in which we could discuss this without having the cameras on.

Mr. President, I think we can make a strong case against television in the Senate. I am not going to do that today because I understand it may be possible for us to agree to a compromise on this, and I am very hopeful that is possible.

At any rate, I would hope that we can have, and I understand it is possible we may have, a period of some days, at least maybe most of this week or all of this week, when we would not be on camera and that would at least be some concession.

It is hard for us really to recognize what has happened to this body in the few weeks we have been on television but things have happened to it.

The most conspicuous, of course, are those who speak in the routine morning business period, or get special orders, and had the order chopped down from 15 minutes to 5 minutes. It used to be that a Senator could come to the floor, simply request to the Policy Committee that he would like to speak, and he would be allowed to speak for 15 minutes, which is a pretty good length. Now the only people who can speak more than 5 minutes are the two leaders. No one else in the Senate can. That is a disadvantage for some of us.

I think most Senators would feel there are occasions when they would like to get up on the floor of the Senate and speak more than 5 minutes.

On the other hand, we also have the situation where television in the Senate has already changed this body considerably.

It is hard for us to evaluate it now, but the House of Representatives has had an opportunity to do that. The Congressional Research Service has reported to us what has happened to the House because of television in the House of Representatives. We know they have had it for several years now.

In the House the survey conducted by the House Administration Committee to which 297 Members responded, so this is a majority of the respondents, showed a majority believe that television coverage slowed the proceedings in the House. It slowed the proceedings by causing Members to offer more amendments on the floor, by having more votes demanded due to the presence of cameras, less compromise on amendments, and a big percentage felt the presence of a more partisan tone in debate.

We have had a short experiment of a few weeks with television in the Senate. I am convinced, Mr. President, and I think many others are, if we had not had the television cameras on many speeches would not have been given. They would have been much shorter. There would have been a period in which Senators might have spoken for 5 minutes and put the remainder of their speech in the RECORD.

We were kept here late at night. We did not transact business as we might otherwise have transacted it, and I think the Senate was slowed down.

This Senator is convinced, and I am sure virtually every other Senator is, we are going to have television in the Senate. There is no question about that. It is coming after July 29. From there on we will have television in the Senate forever. So we are not trying to stop it.

But I do think that the Senator from Alaska is right in saying that we should have an opportunity to discuss this in a deliberate way without the feeling that we are being watched by people who might feel that they were being shut out by the changes that we might want to make. I would like to see us really give serious consideration to the possibility of limiting coverage of television in the Senate to the major debates and not cover gavel-to-gavel at all times.

It has been said it is inconvenient, or difficult, onerous for the cable people to handle this if we go off the air. Mr. President, we have just been off the air from June 26 to July 14. There was

no television in the Senate then. Just the last 2½ weeks there was no television. We were not here. We are going to go off the air again in the next recess.

The Senate is only in session about half the year. We are not in session on weekends. We are not in session with our recesses.

The viewing audience is going to have to get used to that whether we like it or not.

So, Mr. President, I earnestly hope that we do have a willingness to keep the commitment that was made to this body. I am not saying if we do not keep that commitment that anybody is breaking their word. Of course, they are not. I am saying we expected we would have an opportunity to debate this and discuss it without having our discussion televised or broadcast by radio during at least a brief period before we solidify this permanently.

Mr. STEVENS. Mr. President, there is one further item that I would like to raise and particularly while the Senator from Wisconsin is here. Section 6 of the resolution which was adopted on February 27 stated:

> The use of taped duplication of radio coverage of the proceedings of the Senate for political purposes is strictly prohibited and any such tape duplication furnished to any person shall be made on the condition that it not be used for political purposes. The use of tape duplications of television coverage for any purpose outside the Senate is strictly prohibited until the Senate provides otherwise.

Mr. President, that is absolutely being ignored. There has been no restriction at all on the use of these tapes, and as an ex-chairman of the Ethics Committee I am worried about the impact of what is going on in terms of people using these tapes contrary to the rules when they are involved in campaigns on both sides of the aisle.

I also know other people are making duplications of these tapes. This rule ought to be changed.

One of the reasons for this breathing period was to look not only at what has gone on since television went on but to look at the provisions of the rule under which we turn on television to determine what changes ought to be made.

□ 1440

I urge the Senate, every Member of the Senate, to let the Rules Committee and the leadership know what they believe is proper concerning the political use of the television tapes and the radio tapes that can be made from the proceedings here in the Senate.

I assume that if commercial television is carrying this coverage and someone uses a dub from that commercial station or from the public stations, one of any of the media that carry the television coverage of the Senate, that that rule probably does not have any impact. But for a Senator who is an incumbent, who takes it from this system and then uses it, he is violating the Rules of the Senate.

Now I think that dichotomy must be examined and it must be eliminated because it is unfair currently to those people who are living by the rules that others are not and it is going to lead to some charges against candidates, in my opinion, again, as ex-chairman of the Ethics Committee, by those running against them saying they are violating the Rules of the Senate.

Now it is time for us to look at this rule. Many of us spent a long time on the resolution, but the rules that apply to the use of television coverage ought to be clear and precise and fair. And I think that can only happen if we take time now to review what has happened in this period.

Mr. MELCHER. Mr. President, I have absolutely no quarrel with the thrust of the statements that have been made by the Senator from Alaska or the Senator from Wisconsin insisting that we should have a 2-week delay in further televising the Senate procedure since that was what was in the original resolution.

But I do want to point out, as I believe many have pointed out, that the overriding reason for televising the Senate is that the public has the right to know and a right to understand what we are saying and doing here on the Senate floor. And television provides the best mechanism to give the public that right to review what we are doing.

Since the resolution said we are supposed to be off the air for 2 weeks, I cannot argue with the Senator from Alaska and the Senator from Wisconsin, but I do have to point out that the public, once having accepted the fact that the Senate proceedings were going to be televised, is not aware of our resolution that we would be televised for a period of time, then we would have the recess, then we would come back into session and be televised for a couple of days then we would not be televised for 2 weeks. The on-again-off-again scenario that we created ourselves is one that will be confusing to the public that wants to watch the Senate in action on C-SPAN.

Now, in my State of Montana, I think there are probably more households, percentagewise, that have cable television than perhaps any other State in the Union. But in our State, cable television people have not made the deal with C-SPAN to pick up the Senate cable. So it has not been televised out there and I am not saying that I want it televised so the people in Montana could watch it. That is not the case as of now, since cable television has not picked up the C-SPAN, the C-SPAN channel that covers the Senate. They just simply have not done it. They have been advised by C-SPAN that it is not permanent yet, the Senate has not made a firm commitment or finalized its action to make it permanent.

But I am making this short statement simply on behalf of those of the public of the United States who have come to expect to be able to pick up the Senate in action while it is in session on one of the channels that C-SPAN provides and their cable stations provide for their viewing pleasure.

Now, having said all that, I just want to conclude by stating that if there is going to be any arrangement now to say that we are not going to adopt the 2-week pickup as has been proposed and we generally thought would be acceptable by all of the Senate, I hope, whatever we do, we minimize the time that the Senate is actually off.

Let me repeat that. The public has come to expect to see the Senate in action on television. I think that places on us an obligation to maximize every opportunity to view the Senate while we are in session.

Now I admit that there are flaws. I admit the criticism that has been mentioned by the Senator from Wisconsin and by the Senator from Alaska and many others are very valid criticisms. But it does not outweigh that right of the public to view our action here on the Senate floor. Television provides the best opportunity for them to do that. So I believe they have a right and we have an obligation to meet that opportunity for them.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I wish to thank all of my colleagues. I think particularly the Senator from Alaska put his finger on one point that we need to resolve, and that is the use of tapes. I think that is something the Rules Committee will address tomorrow. I think there could be some unintentional misunderstanding about what we can do. If it is on, let us say, a cable news network, a statement somebody makes on the Senate floor, and somebody dubs that off and uses it, as the Senator from Alaska said, or whether they use the original tape, it does present a problem. And there probably are some other things that should be addressed. I am advised the Rules Committee will meet tomorrow. They are prepared to discuss many of these things.

I also believe, in brief discussion with the distinguished minority leader, that it would not be in the best interest of the Senate to have a whole laundry list of things that were excluded or included in any resolution.

But, in any event, we have had a brief discussion with the distinguished Senator from Wisconsin. I wonder if it might be agreeable just to, say, pull

the plug until next Monday, the close of business today until July 21? Would that be reasonable?

Mr. PROXMIRE. I would certainly be happy to agree with the majority leader on that. I think it is fair. I think there should be a time we can make some of the decisions dealing with what we ought to do. I would agree with the majority leader.

Mr. DOLE. Does the minority leader have any objection to that?

Mr. BYRD. Not at all.

I congratulate and thank the distinguished Senator from Wisconsin for his consideration of this request. And it is not to be gainsaid that consideration will probably be more focused and it will occur more surely if the Senate does proceed as it is going to, with the committee meeting which will occur on tomorrow which, to some extent, has been scheduled because of the fact that in the resolution itself, not just in the Democratic Policy Committee memo to which the distinguished Senator from Wisconsin referred, it provided that television coverage shall cease at the close of business on July 15, 1986, today.

□ 1450

I commend the Senator from Wisconsin. I also commend the Senator from Alaska [Mr. STEVENS] who has been in the forefront with respect to advancing proposed rules changes and procedural changes to improve the effectiveness of the Senate.

Mr. President, I thank all Senators, and also Senator MELCHER for his support. I guess we will go ahead with the provisions of the resolution until the beginning of next week. I suppose we had better get action now, so that everyone can depend on a renewal of the coverage as of Monday of next week.

Mr. DOLE. Mr. President, I thank the distinguished minority leader. I again have no quarrel with the Senator from Wisconsin. In fact, I think he has provided a service. We already have staff working on some of the things proposed by the Senator from Wisconsin, the Senator from Alaska, the minority leader, the majority leader, and a number of others. We have written letters to the distinguished chairman of the Rules Committee, Senator MATHIAS, with a number of suggestions.

I therefore ask unanimous consent that the Senate proceed to the consideration of the resolution which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

S. RES. 444

Resolved, That, notwithstanding any other provision of S. Res. 28, agreed to February 27, 1986, television coverage of the Senate shall resume July 21, 1986 under the same basis as provided during the live test period under section 5 of S. Res. 28 unless the Senate votes pursuant to section 15 of S. Res. 28 to end coverage.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Is there further debate?

Mr. PROXMIRE. Mr. President, as I understand it, that means we will simply not be broadcasting on Wednesday, Thursday, and Friday of this week, and resume on Monday of next week.

Mr. DOLE. That is correct.

Mr. PROXMIRE. That is 3 days after.

I thank the Senator.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 444) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 444

A resolution (S. Res. 444) to modify the provisions of S. Res. 28, relating to television in the Senate, to continue television coverage of the Senate until such time as the Senate votes on the question of continuing such coverage.

Resolved, That, notwithstanding any other provision of S. Res. 28, agreed to February 27, 1986, television coverage of the Senate shall resume July 21, 1986 under the same basis as provided during the live test period under section 5 of S. Res. 28 unless the Senate votes pursuant to section 15 of S. Res. 28 to end coverage.

Mr. BYRD. Mr. President, for further clarification for those who may be viewing and listening, even though there will not be television coverage of Senate proceedings after this day, prior to Monday of next week, the radio coverage will continue during the interim. Am I correct in so stating?

Mr. DOLE. That is correct. My understanding is that is correct under the initial resolution we passed. I ask the Chair.

The PRESIDING OFFICER. Radio coverage will remain in effect during this period. The Senator is correct.

Mr. BYRD. I thank the majority leader. I thank the Chair.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, will the majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. PROXMIRE. Would it be possible during the period of Wednesday, Thursday, and Friday to have 15-minute special orders? Think about it.

Mr. DOLE. I certainly will think about it, and try to accommodate the Senator from Wisconsin. I know on Thursday morning I believe we have 2 hours set aside for tribute to the late Senator East.

We will try to accommodate the Senator from Wisconsin.

Mr. BYRD. Mr. President, if we are going to have longer speeches during that period, I might have a 1-hour speech on the history of the U.S. Senate tomorrow or the next day.

INDEFINITE POSTPONEMENT OF SENATE RESOLUTION 441

Mr. DOLE. Mr. President, I ask unanimous consent that Senate Resolution 441 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, at 3 o'clock, we will move to the Scanlon nomination.

We have notified the managers on each side. They should be here momentarily.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1500

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Terrence M. Scanlon to be Chairman of the Consumer Products Safety Commission.

The Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The clerk will state the nomination.

NOMINATION OF TERRENCE M. SCANLON TO BE CHAIRMAN OF THE CONSUMER PRODUCTS SAFETY COMMISSION

The legislative clerk read the nomination of Terrence M. Scanlon, of the District of Columbia, to be Chairman of the Consumer Product Safety Commission.

The PRESIDING OFFICER. Under the previous agreement of the Senate, debate on this nomination will be limited to 2 hours, to be equally divided and controlled by the chairman of the Committee on Commerce and the ranking minority member or their designees.

Mr. DANFORTH. Mr. President, this nomination does come to the floor from the conference committee, where the nomination of Terrence Scanlon to be Chairman of the Consumer Products Safety Commission, was referred. I support the nomination.

Terry Scanlon is currently serving as a Commissioner of the Consumer Product Safety Commission, a position he assumed in March 1983. His term as Commissioner expires on October 26, 1989. Commissioner Scanlon has also served in the Minority Business Development Agency, the Small Business Administration, and in the White House during the administrations of President Kennedy and President Johnson. He is a graduate of Villanova University and is the author of a number of articles concerning the regulation and safety of consumer products.

Commissioner Scanlon was nominated to be the Chairman of the CPSC in December 1984. He held that position by recess appointment from December 31, 1984, until December 20, 1985.

During his tenure as Chairman of the CPSC, Commissioner Scanlon sought to fulfill Congress' 1981 directive that the CPSC should emphasize voluntary industry action over mandatory rulemaking. He encouraged promulgation of voluntary product standards and he appointed the Commission's first voluntary standards coordinator. But where voluntary action was ineffective, the Commission, under Chairman Scanlon, demonstrated its willingness to initiate mandatory action to protect consumers. Under Chairman Scanlon, for instance, the Commission initiated its first product safety rulemaking in several years and it recovered the largest civil penalty in its history. Also, under his chairmanship, the Commission saw a substantial increase both in the number of product hazard reports submitted to the Commission by industry and in the number of product recalls instigated by the Commission.

Terrance Scanlon's nomination to be Chairman of the CPSC was reported favorably by the Commerce Committee on December 12, 1985. The committee's action followed an investigation by the General Accounting Office (GAO), initiated at the request of myself and Senator HOLLINGS. The investigation was requested in response to the allegations regarding Commissioner Scanlon made at his confirmation hearing. The allegations related to misuse of Government property, improper dealings with companies subject to CPSC regulations, misleading and deceptive statements or activities, and inappropriate personnel actions. During its investigation, the GAO interviewed 41 people, most of whom were CPSC employees. The evidence and documentation provided to the GAO failed to substantiate 12 of the 16 allegations against Commissioner Scanlon. Two of the remaining allegations could not be substantiated because they depended on the intent of Commissioner Scanlon. With respect to the remaining two allegations, a CPSC employee's refusal to testify precluded the GAO from making a determination.

Because of the need to resolve the final two allegations, Senator HOLLINGS and I subsequently met with the CPSC employee privately. Evidence concerning the private use of Government resources was provided. The evidence consisted of 9 incidents of photocopying, 11 incidents of typed letters relating to church matters, 15 typed letters relating to personal or private matters, 3 typed letters to other Government officials, 1 letter on D.C. Right to Life Committee stationery, and documents relating to a pay dispute between the employee and Mr. Scanlon which was resolved in the employee's favor. All the evidence related to incidents which occurred during the 27-month period between May 1983 and July 1985.

Commissioner Scanlon had previously denied the private use of Government resources. Senator HOLLINGS and I therefore felt it necessary to ask for his explanation of the statements and documentary evidence provided by the employee. Based on the evidence provided and Commissioner Scanlon's response, I do not believe there exists a systematic or abusive pattern of inappropriate use of staff or facilities. Nor do I believe there was any intent to mislead the Commerce Committee or the GAO.

On December 19, 1985, the Senate considered briefly the nomination of Commissioner Scanlon to be Chairman of the CPSC. It was suggested then that consideration of the nomination should be postponed, pending completion of an investigation by the Department of Justice into allegations that Commissioner Scanlon had misused Government personnel and facilities for personal business while serving at the CPSC. Justice was also investigating whether Commissioner Scanlon may have committed perjury or made false statements to the GAO's investigators. The investigation has now been concluded and the Department of Justice has determined that criminal prosecution is not warranted.

It has been over a year and a half since the President nominated Terrence Scanlon to be the Chairman of the Consumer Product Safety Commission. During that period, Commissioner Scanlon has undergone two Government investigations which have now been completed. I believe there is no reason, based on the results of these investigations, to delay further consideration of Commissioner Scanlon's nomination. During his year of service as Chairman, he demonstrated a commitment to both safe consumer products and responsible regulations of consumer product manufacturers. Accordingly, I urge my colleagues to join me today in supporting Terrence Scanlon's nomination to be Chairman of the Consumer Product Safety Commission.

□ 1510

Mr. PROXMIRE. Mr. President, will the distinguished Senator from Illinois yield me time?

Mr. SIMON. Mr. President, I think temporarily I am designated for handing out time. I am pleased to yeild as much time as he wishes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator is recognized.

Mr. PROXMIRE. I thank my good friend from Illinois. I will be brief.

I rise to oppose the confirmation of Terrence M. Scanlon as Chairman of the Consumer Product Safety Commission. While serious questions regarding the integrity of Terrence Scanlon remain, I base my opposition to him on his long-standing record of opposing critical enforcement activities of the Consumer Product Safety Commission.

At the time of Mr. Scanlon's confirmation hearings, a number of disturbing reports surfaced concerning his use, or should I say abuse of commission employees for his own personal business. In a General Accounting Office study, Mr. Scanlon maintained that he had never, and I repeat the word never, used any Federal employee for his own personal business. Later, when confronted by contradicting statements, Mr. Scanlon admitted that some employees under his control had in fact performed duties which were clearly of a personal nature.

A subsequent investigation by the Department of Justice's Public Integrity Section, concluded that "* * * criminal prosecution is not warranted." This is somewhat reassuring but is certainly not a ringing endorsement of Mr. Scanlon's behavior. However, since the grand jury testimony must remain secret, we must turn to Mr. Scanlon's professional behavior to evaluate his fitness to serve as Chairman of the Consumer Produce Safety Commission.

Mr. President, the most devastating analysis of Mr. Scanlon's record as a Commissioner of the Consumer Product Safety Commission was presented by Esther Petersen in a letter she sent to the ranking minority member of the Senate Commerce Committee. For my money, there is nobody in this country who is a stronger, more thoughtful, more responsible advocate of consumer interests than Esther Petersen. Esther Petersen has served our Nation with great distinction. Twice she was a Special Assistant to the

President on Consumer Affairs. She received the Presidential Medal of Freedom in 1981.

Mrs. Petersen points out that Mr. Scanlon, time after time, opposed the taking of strong action against unsafe products.

For example, Mr. Scanlon opposed the initial actions to recall hazardous wooden-slated, V-shaped corrals.

Mr. Scanlon opposed action to speed up the recall of hazardous infant squeeze toys.

Mr. Scanlon opposed prompt corrective action regarding mesh-sided cribs and playpens.

In each of these cases, infants and young children had horribly and tragically died before corrective action was taken.

That was not all, Mr. President. Also in the area of risk to infants, Mr. Scanlon was the only member of the Commission to oppose CPSC's enforcement policy to drastically cut back on the presence of cancer-causing nitrosamines in latex infant pacifiers. Following issuance of the policy, in conjunction with the FDA, affected companies moved swiftly to reduce high levels of these dangerous nitrosamines which could be readily ingested by a child sucking on a pacifier.

Now, Mr. President, as Esther Petersen points out, as a general matter, this body gives the Presidential nominations a "deference," and we should. But "the amount of deference he is due is lower with respect to nominations for positions in independent regulatory agencies than nominations to posts in the executive branch. The former, as you know, are arms of Congress and the Senate should evaluate not only the competence and integrity of nominees to these agencies, but their philosophical orientations as well."

I feel that in this particular case the record I have cited, brief as it is, should give real basis for Members of the Senate to oppose this nomination.

Now, Mr. President, as Mrs. Petersen points out, at every opportunity Mr. Scanlon favors voluntary standards over mandatory standards. Certainly, voluntary standards play an important role, but Congress empowered the Consumer Product Safety Commission to require rather than cajole manufacturers to take action when appropriate.

Mr. President, I ask unanimous consent that the entire letter from Esther Petersen be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
December 3, 1985.

Hon. ERNEST HOLLINGS,
Ranking Minority Member, Committee on Commerce, Science and Transportation, Washington, DC.

DEAR SENATOR HOLLINGS: I am writing to urge the Committee to withhold confirmation of Commissioner Terrence Scanlon to serve as Chairman of the Consumer Product Safety Commission. During Mr. Scanlon's term as Commissioner and Acting Chairman, he has demonstrated a lack of both commitment and enthusiasm in providing consumers of this country with the protection that Congress envisioned when it enacted the Consumer Product Safety Act (the Act).

As a general matter, I believe that the President is entitled to a measure of deference in nominations that he submits to the Senate for confirmation. However, I believe that the amount of deference he is due is lower with respect to nominations for positions in independent regulatory agencies than nominations to posts in the executive branch. The former, as you know, are arms of Congress and the Senate should evaluate not only the competence and integrity of nominees to these agencies, but their philosophical orientations as well. The Chairman sets both the direction and tone for the agency's activities. The individual confirmed to that post, therefore, should be one who will implement the Act without reservation. Mr. Scanlon is not such an individual.

Congress has a history of reserving for itself a very active role in overseeing the activities of the Commission. The mere fact that the statute explicitly provides for confirmation of the individual designated to be Chairman, as well as of those nominated to be Commissioners, is one indication of this. When the Act was originally passed, Congress also insisted that CPSC budget requests to OMB be submitted simultaneously to Congress, and your Committee has been extremely conscientious in holding regular oversight hearings of the agency's activities. Therefore, insistance on philosophical support by the Chairman of the CPSC's basic mission is appropriate and entirely consistent with previous Congressional involvement in the activities of the agency.

We are fortunate to have a track record in assessing Mr. Scanlon's commitment to the implementation of Congress's directives. That record, I believe, can be summed up in one sentence: Mr. Scanlon has been soft on safety. Frankly, I question whether he philosophically believes in the statute to which he has taken an oath to administer. The record speaks for itself. He voted—not just once, but time after time—against critical enforcement activities vital to product safety involving dangerous children's products. Specifically, he opposed using the stronger authority provided by the Consumer Product Safety Act—

To speed along the recall of hazardous infant squeeze toys. Despite Mr. Scanlon's opposition, eight companies (responsible for producing some 700,000 units) were involved in halting future sales as well as recalling and redesigning the product. These actions were taken to redress the strangulation hazard posed by the possibility of the toy's narrow handle getting stuck in an infant's throat. Four children died in incidents involving these toys.

To promote corrective action concerning mesh-sided cribs and playpens. At least 14 infants tragically suffocated when they rolled into a loose pocket of mesh formed when a side of the mesh crib or playpen was left in a lowered position.

To initiate actions to recall hazardous wooden-slated, V-shaped infant corrals. These enclosures were associated with at least 3 infant deaths and one instance of permanent brain damage during 1980–1982. CPSC convinced manufacturers to halt further production of these enclosures, but they have not yet recalled the corrals.

To correct crib hardware failures associated with faulty parts such as loose mattress supports, machine screws and guide rods or missing crib hardware parts. Since 1980, faulty hardware in cribs has been involved in the death of 27 infants.

Also in the area of risk to infants, Mr. Scanlon was the only member of the Commission to oppose CPSC's enforcement policy to drastically cut back on the presence of cancer-causing nitrosamines in latex infant pacifiers. Following issuance of the policy, in conjunction with the FDA, affected companies moved swiftly to reduce high levels of these dangerous nitrosamines which could be readily ingested by a child sucking on a pacifier.

Mr. Scanlon was the proponent and sole vote in favor of revamping the Commission's export policy under the federal Hazardous Substances Act and the Consumer Product Safety Act to allow manufacturers to "dump" on citizens of other countries products which violate U.S. codes and regulations. If Mr. Scanlon had his way, companies now would be able to ship at will noncomplying goods overseas, merely giving advance notice of their imminent arrival to the country where the goods are headed. Writing in dissent, Mr. Scanlon decried the continuing role of the Commissioners as "international nannies." He pooh-poohed the double-edged danger when companies can willy-nilly export violative products if and when they are caught selling such goods within the U.S. Mr. Scanlon's proposal would have threatened consumers at home because, inevitably, exported defective items make their way back to the U.S. And, his revisions would have made "Made in America" a warning rather than a sign of quality.

Mr. Scanlon is on record as opposing what he chooses to call "back-door rulemaking." He uses this term to describe what he sees as a "worrisome trend" of issuing complaints under Section 15 of the Consumer Product Safety Act against all manufacturers in a given industry because of a generic safety problem. Speaking at the Consumer Federation of America 18th Annual Consumer Assembly in January 1985, Mr. Scanlon compared "back-door rulemaking" to taxation without representation and cited the practice as an "industry-wide fix without consumer input."

These attacks demonstrate Mr. Scanlon's failure to understand the Congressionally-mandated rationale for the highly important recall provisions of Section 15. Section 15 authorizes CPSC to remove unsafe products from the marketplace and to recall them from the possession of consumers and retail shelves. This ability to eliminate risks from products already on the market would be eviscerated if cumbersome rulemaking procedures were required whenever a substantial product hazard affects products manufactured by more than one company. If Section 15 relief is deemed necessary, then dangerous products should be recalled from consumers. Following corrective action, it may also prevent the same or similar danger from appearing in future produc-

tion runs. Such prospective relief is the function of safety rules. Rulemaking reduces risks in products not yet manufactured.

Consumers benefit from CPSC having available both options—retrospective and prospective—as the Commission fulfills its mandate to protect Americans from unreasonable risks of injury and death from consumer products.

At every opportunity, Mr. Scanlon lauds voluntary standards as cheaper, faster and more technologically flexible than mandatory standards. While voluntary standards can play a role in assuring public safety, they have their limits and Mr. Scanlon does not recognize these limits. Some voluntary standards efforts drag on endlessly or just plan fail when an identified risk of injury or death is complex, or when the affected industry is either not organized or not cooperative. For instance, work on a voluntary standard effort to address chain saw rotational kickback has taken some seven years and—finally—is approaching a conclusion. Commission staff worked closely with the industry over this period, devoting approximately $5 million in staff time and contract dollars to significantly reduce the risk of injury or death from the uncontrolled, upward and rearward movement of a buzzing chain saw hitting its operator. While Commission staff estimate that the new standard should reduce kickback injuries by 80 percent, seven years of dedicated effort is hardly an efficient track record about which to brag.

The role of the Chairman is to enforce the law as Congress has enacted it, not to employ one's creativity to find ways around the law. Mr. Scanlon should not be the Chairman of this agency and I urge the Senate Committee on Commerce, Science and Transportation to deny his confirmation.

Sincerely,

ESTHER PETERSEN.

Mr. PROXMIRE. I ask my colleagues, Do we really want a Chairman of the Consumer Product Safety Commission who has consistently opposed safety measures and who at best believes in reacting to, rather than preventing tragic accidents? I know we do not, and I therefore urge my colleagues to join with me in rejecting this nominee.

Mr. President, I thank my good friend from Illinois for yielding me time and I yield the floor.

Mr. SIMON. Mr. President, I yield myself such time as I may consume. I want to thank my colleague from Wisconsin for his leadership, not on this issue but in so many things. He has been a steller Member of this body and I am proud to be associated with him.

I would ask for the yeas and nays on the Scanlon nomination.

The PRESIDING OFFICER. Under the previous order, the Senate has already established the yeas and nays.

Mr. SIMON. Mr. President, there are two questions that have been addressed by my distinguished colleague from Missouri and my colleague from Wisconsin. One is the personal integrity and reputation of the gentleman, and the second is whether he is the right person to head the Consumer Product Safety Commission.

On the first, frankly, the Justice Department has made an investigation. They referred the matter to the grand jury. The grand jury found no indictable offense. I accept that. That is not the basis of my opposition to this nomination. My basis for opposition is whether or not he is qualified by attitude, not ability, to be the Chairman of the Consumer Product Safety Commission. I think the record is crystal clear on that.

We call it the Consumer Product Safety Commission, and if we want to continue calling it that, we ought to get someone who is interested in protecting consumers. If we are going to come up with a Scanlon-type nomination, then let us change the name and call it The Industry Protection Commission.

It reminds me of the time I was in the State legislature in Illinois back a couple of decades ago, I guess three decades ago now when we had, unfortunately, more than our share of ties to organized crime in the legislature. Some of us had proposed that we create a crime commission in Illinois. It was going nowhere. And then one day an alderman in the city of Chicago by the name of Ben Lewis was slain gangland style, it so happened just before the day the vote was to come out.

The bill passed, and it was signed by the Governor. Then the Governor made the appointments, and we were chagrined by the appointments. One of my colleagues said, "We should have made it a little clearer and called it 'the anticrime commission.' "

Well, what we need is either a change in name or a rejection of this nominee.

Now, my colleague from Missouri has said he was approved by the committee. It is true he was approved by the committee but on a 9-to-7 vote. And those who voted against him were Senators HOLLINGS, FORD, EXON, GORE, ROCKEFELLER, PACKWOOD, and KASSEBAUM. That is a pretty powerful list of people, and I would suggest that my colleagues look carefully at what we are doing.

Now, how did I get interested in this? I became interested on an issue that my friend from Missouri is familiar with, too—amusement parks. We had an accident in the State of Illinois and all of a sudden I discovered that there was no one inspecting permanent amusement parks in Illinois, nor in a majority of States in this Nation. In the 1981 tax bill there was something buried, just as I am sure there is a lot buried in this tax bill that we do not know about right now, there were a couple of lines buried in there that took away from the Consumer Product Safety Commission the authority to inspect permanent amusement parks in this Nation. And what happened after we took away that authority? Deaths and accidents in amusement parks in this Nation have roughly doubled.

My colleague pointed out that Mr. Scanlon has led the way on voluntary compliance, and that is what he has favored on inspection for amusement parks. He wants only to do things voluntarily.

□ 1520

I like voluntary things. I think it is great that we voluntarily stop at a red light. But I want a policeman who can give someone a ticket if you do not stop at a red light. If you do not have that, you are not going to have very much done voluntarily.

My colleague from Wisconsin has already put in the RECORD the letter of Esther Petersen, and it is a superb letter. Let me read three sentences from that letter:

At every opportunity, Mr. Scanlon lauds voluntary standards as cheaper, faster, and more technologically flexible than mandatory standards. While voluntary standards can play a role in assuring public safety, they have their limits and Mr. Scanlon does not recognize these limits.

Finally, she says:

The role of the Chairman is to enforce the law as Congress has enacted it, not to employ one's creativity to find ways around the law. Mr. Scanlon should not be the Chairman of this agency.

Esther Petersen is the saint of the consumer movement in this country, so far as I am concerned, and when she says something like this, we should listen carefully.

There is a second letter which I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

July 10, 1986.

DEAR SENATOR: On July 15, the Senate will determine the future course of consumer product safety when it considers the nomination of Terrence Scanlon as Consumer Product Safety Commission (CPSC) Chairman. We believe that a strong and independent agency is needed to protect consumers from product hazards and that such an agency needs an equally effective and forceful leader. It is for these reasons that we urge you to oppose Mr. Scanlon's nomination.

After over three years as a CPSC member, including nearly a year as acting Chairman, Mr. Scanlon's record on product safety policy is quite clear. That record leads us to conclude that he will not direct the agency in such a manner as to carry out the Commission's statutory mandate.

Mr. Scanlon has consistently opposed CPSC initiatives to remove clearly dangerous products from the market. He has opposed efforts to recall poorly designed products such as expandable child enclosures and mesh-sided cribs, arguing that the Commission "sidestepped rulemaking altogether," and stating that recalls constitute "back-door rulemaking." Yet in these and

similar cases, no alternative proposals for rulemaking have ever been forthcoming from his office.

Instead, Mr. Scanlon has emphasized "voluntary efforts." Amazingly, over one-half of the CPSC budget is now spent on voluntary efforts, a proportion which would hardly be necessary if these efforts truly produced industry cooperation. While some of these attempts may be productive at times, this approach has frequently allowed manufacturers to engage in delaying tactics which keep unsafe products on the market for far too long.

Mr. Scanlon has also participated in a significant shift of agency budget resources away from programs utilizing scientists and engineers working on product investigations and technical solutions. While the CPSC's increasingly lean budget requires belt tightening, disproportionate reductions in scientific and technical research rob the CPSC of the independent research it needs to resolve the many technical problems with which it is faced.

The CPSC has an important job to do with extremely limited resources. Over 20,000 people are killed every year, and 3,000,000 suffer disabling injuries, in accidents involving consumer products. American consumers cannot afford to have the CPSC's scarce resources wasted on drawn-out efforts to "persuade" uncooperative manufacturers to remove dangerous products from the market. The Chairman of the CPSC must know how to balance all of the agency's Congressionally-provided powers. Mr. Scanlon's record shows that he is not inclined to provide that balance. We must urge you to vote against his nomination.

Mr. SIMON. Mr. President, this letter is signed by Alan Fox, legislative representative, Consumer Federation of America; Linda Golodner, executive director, National Consumers League; Joan B. Claybrook, president, Public Citizen; and Pamela Gilbert, staff attorney, United States Public Interest Research Group.

I should like to read four paragraphs from the letter:

After over three years as a CPSC member, including nearly a year as acting Chairman, Mr. Scanlon's record on product safety policy is quite clear. That record leads us to conclude that he will not direct the agency in such a manner as to carry out the Commission's statutory mandate.

Mr. Scanlon has consistently opposed CPSC initiatives to remove clearly dangerous products from the market. He has opposed efforts to recall poorly designed products such as expandable child enclosures and mesh-sided cribs, arguing that the Commission "sidestepped rulemaking altogether," and stating that recalls constitute "back-door rulemaking." Yet in these and similar cases, no alternative proposals for rulemaking have ever been forthcoming from his office.

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Mr. Scanlon has also participated in a significant shift of agency budget resources away from programs utilizing scientists and engineers working on product investigations and technical solutions. While the CPSC's increasingly lean budget requires belt tightening, disproportionate reductions in scientific and techical research rob the CPSC of the independent research it needs to resolve the many technical problems with which it is faced.

Again, I think it is clear that he should not be a nominee.

I have a series of decisions made by Mr. Scanlon, and I shall not cite all of them.

The "Today" show on NBC did a piece on bunk beds a year ago. Scanlon wrote to the reporter, a person named Horowitz, saying that he agreed the standards were not strong enough and that the Commission was going to do something. But when called, an engineer said they were just meeting over and over again with the industry, trying to get them to adopt voluntary standards.

In 1985, he officially announced that there were no more problems with safety in toys. Shortly afterward, a group of consumer and safety organizations announced a list of dangerous toys that were on store shelves.

During his chairmanship, so far as I have been able to understand—unless there is something later, beyond the date I have here—no consumer warnings have been published.

He was the only member of the Commission who voted in favor of discontinuing the ban on the dumping of products abroad. There was a resolution to ban the shipment abroad of any products that are ruled not safe in the United States. Why is the person who is to become Chairman of the Commission protecting the American public? The one person who said it is OK to ship these things abroad. In his dissent, he said the United States should not be "international nannies"—this was his phrase—for the rest of the world.

He was the only member of the Commission—and this was one that was cited by my colleague from Wisconsin—to oppose pulling back the cancer-causing infant pacifiers.

He voted against the proposed child safety project which would include child drownings, poison prevention package, and bicycles.

Once again, he went on record opposing the Commission's becoming involved in amusement rides. With respect to altering vehicles, he has been on the wrong side of four-wheeled vehicles that clearly can cause serious damage.

He opposed filing a friend of the court brief in support of a decision that a private product liability suit can be based on grounds that a company failed to report a potential, substantial product hazard.

I could go on. I have about six more of these examples, but I think the record is fairly clear, and there are a lot more examples than I wrote down in my notes.

Let me add a couple of other points.

My colleague from Missouri is involved in reporting a risk retention bill in the area of liability insurance. There is not one of us in this body who is not faced with the problem of liability insurance. My guess is that the Presiding Officer, the Senator from Colorado [Mr. ARMSTRONG], when he was back in Colorado heard about the problems of liability insurance. I did, in Illinois, and I am sure the Senator from Missouri did, in Missouri.

One of the ways we can reduce liability in some of these things is to not have dangerous things out there. If you want to cast a vote to reduce liability insurance, vote against having Terrence Scanlon as chairman of this Commission. That is a fairly clear-cut thing we can do.

I would add one other final point, and this is the point that was made by the Senator from Wisconsin. We are not talking about the Assistant Secretary of Transportation or the Secretary of Transportation. We are not talking about the Secretary of Commerce or the Assistant Secretary of Commerce. We are not talking about an arm of the executive branch. We are talking about an independent agency that we should be monitoring a little more closely than we do monitor executive appointments.

□ 1530

The role of the Senate is to advise and consent. It is not to rubber stamp.

If we believe the Consumer Product Safety Commission ought to protect the consumer, then we ought to have someone in charge of that Commission who is interested in protecting the consumer, fairly simple, fairly straightforward.

There was a bipartisan vote. Seven distinguished members of the Commerce Committee voted against his nomination: Senator HOLLINGS, Senator FORD, Senator EXON, Senator GORE, Senator ROCKEFELLER, Senator PACKWOOD, and Senator KASSEBAUM.

I hope there will be a majority of this body who will join them and say to the President, "We want you to nominate someone, but we want someone who really believes in protecting the consumer."

Mr. Scanlon has a lot of abilities but he is flawed as an appointment because he clearly has demonstrated he is not interested in protecting the consumer.

Mr. HOLLINGS. Mr. President, I rise in opposition to the confirmation of Terrence Scanlon as Chairman of the Consumer Product Safety Commission [CPSC].

I believe President Reagan is entitled to a measure of deference in

nominations he submits to the Senate. However, this position we are discussing today is Chairman of an independent agency with a vital mandate—to protect the public from unreasonably dangerous products. This important position must be filled by a person with the utmost integrity, and I believe that the President could have nominated a person better suited for this leadership position than Mr. Scanlon.

Mr. President, a brief review of the controversy surrounding this nominee is in order.

Mr. Scanlon was nominated by the President on July 3, 1985. The Commerce Committee scheduled a hearing on his nomination for September 10, 1985. At that hearing, certain charges were made against Mr. Scanlon, one of which was that he used Federal employees to do personal work for him. After the hearing, Senator DANFORTH and I wrote Mr. Scanlon for his response. He denied the charges. After further investigation, and further correspondence with Mr. Scanlon, Senator DANFORTH and I asked the General Accounting Office [GAO] to do an investigation. The GAO reported back to the committee on November 20, 1985. Twelve of the 16 allegations made against Mr. Scanlon could not be substantiated by GAO. In two of the four remaining allegations, an employee's refusal to be interviewed precluded GAO from making a determination. Senator DANFORTH and I interviewed that employee on November 22. Senator DANFORTH and I discussed in detail the allegation made about Mr. Scanlon's use of Commission staff and facilities for non-Commission activities, specifically tasks of a personal or private nature this employee had performed for Mr. Scanlon. This employee later shared with committee staff documentary evidence of 52 tasks performed from May 1983 to July 1985. Because of Mr. Scanlon's earlier denial to the committee and to the GAO of use of Government resources for personal matters, we wrote to Mr. Scanlon on December 4 asking for his response. Mr. Scanlon responded on December 5 saying:

> My best recollection is that, over the 3-year period I have served at the Commission, this employee did type or copy a personal letter or document for me on occasion.

This was Mr. Scanlon's first admission on this charge and was in contradition of his statement made to GAO under oath. Congressmen DINGELL and WAXMAN then asked the Justice Department to conduct an investigation to assess whether any laws of the United States had been violated.

On June 17, 1986, the Justice Department reported back that, "we have determined that criminal prosecution is not warranted." Despite the fact that the Department of Justice decided not to prosecute, I believe the evidence on the record points to a lack of judgment on Mr. Scanlon's part. I would urge my colleagues to examine the record, specifically, Mr. Scanlon's statements. I have done so and I will vote against confirmation. I continue to believe the President could have found a better individual to nominate for this post.

Mr. DOLE. Mr. President, judicial nominees are not the only ones the Senate has problems clearing.

The nomination of Terrence M. Scanlon, as Chairman of the Consumer Product Safety Commission, was forwarded to the Senate more than 1 year ago, on July 1, 1985. And the nomination has been on the Executive Calendar since December 1985. There is no justification for this kind of delay.

At the end of the last session, the leadership on both sides agreed to hold Mr. Scanlon's nomination until an inquiry initiated by Congressmen JOHN DINGELL and HENRY WAXMAN had been completed by the Justice Department. The General Accounting Office [GAO] had already conducted its own investigation, and reported its findings to the Senate Commerce Committee, which voted to approve Commissioner Scanlon's nomination in early December.

The Justice Department, after more than 6 months work, has finished that investigation. I ask unanimous consent to insert into the RECORD a letter from Assistant Attorney General John R. Bolton informing Senator DANFORTH, chairman of the Senate Committee on Commerce, Science, and Transportation, that as a result of that investigation it was determined criminal prosecution against Mr. Scanlon was not warranted.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE ASSISTANT
ATTORNEY GENERAL,
Washington, DC, June 17, 1986.

Hon. JOHN C. DANFORTH,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in reference to Terrence M. Scanlon, whose nomination for Chairman of the Consumer Product Safety Commission ("CPSC") is pending before the United Sates Senate.

As you are aware, during consideration of Mr. Scanlon's nomination by the Senate Commerce Committee, the Department of Justice was requested by The Honorable John D. Dingell, Chairman of the House Committee on Energy and Commerce, and The Honorable Henry A. Waxman, Chairman of the House Subcommittee on Health and the Environment, to conduct a criminal investigation into allegations that Mr. Scanlon had misused government personnel and facilities for personal business while serving as a Commissioner at the CPSC. The Members also requested that the Department investigate whether Mr. Scanlon may have committed perjury or made false statements to General Accounting Office investigators during an interview about the misuse issue conducted at the request of the Senate Commerce Committee while Mr. Scanlon's nomination was still pending before the Committee.

We wish to advise you that the Department's Public Integrity Section has conducted a thorough investigation of the allegations against Mr. Scanlon and as a result of this investigation, we have determined that criminal prosecution is not warranted. Accordingly, the Department's investigation has been closed.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

Mr. DOLE. Mr. President, the findings of the Justice Department also answer any questions that might have been left unanswered by the General Accounting Office.

The allegations against Mr. Scanlon of misuse of staff and facilities have been investigated and reinvestigated for 9 months now, and there has been no substantiation of any wrongdoing.

Mr. President, enough is enough. This nomination has languished for far too long, far longer than is merited by any of the facts. We should approve the nomination of Terrence Scanlon to the CPSC without further delay.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, I see no other Senator who wishes to speak at this time, but I believe that there may be other Senators who wish to speak.

I suggest the absence of a quorum and ask unanimous consent that it be charged equally to each side.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 1550

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, much time and many hours have been spent on this nomination. And we have investigated Mr. Scanlon exhaustively. In fact, we have spent 18 months investigating Mr. Scanlon—the Senate Commerce Committee, GAO, the Justice Department, and the grand jury. Mr. President, we have spent more time investigating Terrence Scanlon than the Director of the CIA. And I believe the Director of the CIA is a bit more important than the Chairman of this Product Saftey Commission.

I do not believe that the cause of consumer safety is served by further delay on this nomination. I think we

have put this Commission on notice as to how this Senate feels about its importance, and I think it is time that the Commission get its permanent Chairman.

I further believe, Mr. President, that rejection of Mr. Scanlon, after all of these investigation none of which have demonstrated any grounds for rejection, would discourage well-qualified people from serving in other Government positions. I think many are now coming to the conclusion that Government service is not worth the trouble.

Mr. President, it should be noted that I have not agreed with Mr. Scanlon on everything. Ideologically we are on the opposite ends of the spectrum. Many of his personal views are not my views. But I think these studies and investigations have clearly shown that his integrity is still untarnished. He is basically a very honest person.

I hope the Senate will vote as soon as we can up or down. I know we should be voting in about an hour. I gather no one else is wanting to speak. Would it be possible to have a vote taken?

Mr. DANFORTH. I think there is one other Senator who may or may not wish to speak on the Scanlon nomination. We are trying to make contact with him right now. But as far as I am concerned, the sooner the better.

Mr. INOUYE. Mr. President, after 18 months I think I have said enough.

Mr. DANFORTH. Mr. President, I would like to thank the Senator from Hawaii for his comments. I think he has hit the nail on the head. I am sure that there are a lot of people in the Senate who for one reason or another would disagree with Mr. Scanlon on one issue or another. He has, for example, been deeply involved in his church, and he has been deeply involved in the prolife, antiabortion movement. His philosophy of regulation, I am sure, is different from those of many Senators.

Normally when we vote on a confirmation issue, we do not vote on matters of personal belief, and normally when we vote on a confirmation we do not vote on a person's philosophy of government. If the President wants to nominate an individual usually we go along with him. But the problem with this particular nomination is that in the Senate Commerce Committee very serious charges were made against Mr. Scanlon. They were made against his integrity, his reputation, and these charges were very carefully evaluated by the committee, by the committee staff, by the General Accounting Office, and ultimately by the Justice Department.

The upshot of this elaborate inquiry was my belief, the belief of the Justice Department, and the belief of the majority of the members of the Commerce Committee that Mr. Scanlon had operated throughout his career in accordance with the basic standards that we expect of Government officials. Charges were made that he abused his office. It may be a technical abuse to ask your secretary to Xerox a piece of paper every now and then. But I think all of us who operate in the normal course of affairs realize that it is a rule of reason that we require. For that reason, I was particularly impressed by the comments of the Senator from Illinois who has strongly opposed the Scanlon nomination but not opposed it on the basis of personal intergity, and has not sought to attack the reputation of this individual.

So I believe that the time has come to get on with this. This man has been put through the wringer for about 1½ years now. He has been put through the wringer, and I agree with the Senator from Hawaii: We want good people to serve in public office. We cannot put them in positions where for extended periods of time their reputations are put to question.

Mr. SIMON. Will my colleague yield? I thank him for his comments, and again it is not the integrity of the gentleman that is at question. The question is whether the person who is in charge of this office ought to be interested in protecting consumers, and the reality is that he has not been as careful as he should be. I have just been handed an illustration of that. Both Senator INOUYE and Senator DANFORTH will be interested in this, and my colleagues in the Senate will be interested in this. For the last 30 minutes this news release has been up in the Senate gallery. It is from the U.S. Consumer Product Safety Commission.

Terrence M. Scanlon, 47, who received a recess appointment December 1984 from President Reagan as Chairman of the Consumer Product Safety Commission, was today formally confirmed as head of the five-member agency by the U.S. Senate.

That is a slightly premature press release. It refers to the sensational and baseless charges which previously have been thoroughly investigated by the General Accounting Office, and so forth. It sounds as though the debate was on his personal integrity. The reality is that is not the issue, as all three of us have just acknowledged.

The question is, Should we have somebody in charge of the Consumer Product Safety Commission who really wants to protect the consumer? My strong conclusion is that we should.

I thank my colleague from Missouri for yielding.

Mr. DANFORTH. Mr. President, I yield such time as the Senator from Wisconsin requires.

Mr. KASTEN. Mr. President, I thank the Senator.

Mr. President, I wish to join with the Senator from Missouri, Senator DANFORTH, in urging my colleagues to support the nomination of Terrence M. Scanlon to be Chairman of the Consumer Product Safety Commission.

With his confirmation as a Commissioner of the Consumer Product Safety Commission in 1983, Terry Scanlon brought a unique and much needed viewpoint to the CPSC. Because of his experience with the Small Business Administration, and the Minority Business Development Agency, he has a special appreciation for the problems encountered by small businesses. First, as a Commissioner, and later as the Chairman of the CPSC, Terry Scanlon has taken steps to ensure that small businesses and consumers, many of whom cannot come to Washington, DC, to meet with Government officials, have an effective voice in consumer product regulation. For example, he has worked to ensure that the CPSC's many field offices which he has called the eyes and the ears of the agency continue to receive the resources necessary to address and then to respond to concerns expressed by consumers and small businessmen. During his tenure, in fact, four new CPSC field offices were opened. Also during 1985, the CPSC, under Chairman Scanlon, adopted measures to ensure that its rulemaking proceeding regarding all-terrain vehicles would have the benefit of input from ATV sellers and users around the country. The Commission held five public hearings regarding ATV's outside of Washington, DC, at which testimony was received from many individuals who would not otherwise have had an opportunity to express their views. Under Terry Scanlon, the CPSC also appointed its first full-time coordinator of State and local programs. The coordinator is responsible for increasing cooperation between the CPSC and State and local consumer protection agencies and consumer activists. Such coordination, I believe, can and will reduce the regulatory burden that might otherwise crush many small businesses.

□ 1600

As chairman of the Senate subcommittee with oversight jurisdiction over the Consumer Product Safety Commission and as a primary sponsor of the 1981 Amendments to the Consumer Product Safety Act, I have followed with great interest, the CPSC's implementation of these 1981 amendments. In part, these amendments called for the CPSC to place greater emphasis on voluntary industry action. In order to carry out Congress' intent, Commissioner Scanlon, as Chairman, appointed the Commission's first voluntary standards coordinator. In addition, he supported voluntary standards in place of mandatory

Government action wherever appropriate. During 1985, the CPSC was involved in 56 voluntary standards projects. As a result of his effort, Commissioner Scanlon has demonstrated that the regulation of consumer products need not be adversarial or punitive. He has shown that, by working cooperatively with manufacturers and retailers, it is possible to keep dangerous products out of the marketplace without incurring the kinds of expenses and delays that may result form formal regulatory proceedings.

The CPSC under Chairman Scanlon did not hesitate, however, to take mandatory action where appropriate. For example, under his leadership, the CPSC collected the largest civil penalty against a manufacturer in the agency's history. And, the number of product recalls reached its highest level since 1981.

Under Chairman Scanlon's leadership the CPSC also continued its effort to reduce the number of product-related injuries suffered by children. During 1985, the CPSC initiated 49 recalls involving toys and another 29 recalls involving other children's products. The CPSC also undertook an information and education campaign involving nursery products and it sponsored press conferences concerning toy safety and fireworks.

In conclusion, Mr. President, Terry Scanlon brings a rational and balanced approach to the regulation of consumer products and I urge my colleagues to join me in supporting his nomination to be the Chairman of the Consumer Product Safety Commission.

Mr. SIMON. Mr. President, will my friend and colleague from Wisconsin yield for a moment?

Mr. KASTEN. I am pleased to yield.

Mr. SIMON. The Senator mentioned a fine that was collected. Can he tell me whether the action to get that going was initiated under Mr. Scanlon's Chairmanship or did it just happen?

Mr. KASTEN. My understanding is that this was an ongoing investigation. In fact, it was under his Chairmanship that the fine was finally assessed.

Mr. SIMON. I think that is correct, that it was initiated before he became Chairman.

Mr. KASTEN. But let us give him partial credit.

Mr. SIMON. I shall do that.

Mr. President, I have here a news release from the CPSC Office of Media Relation with the time of 3:58 on it, which has been up in the press gallery for 30 minutes. This is the announcement about what we are going to be doing here. This is the announcement that has been confirmed. I hope it can go down in history along with "Dewey Is Elected President" in the Chicago Tribune as one of those historic errors. But we will find out shortly whether it is the Senate that makes the error or whether it was Mr. Scanlon who made the error.

TO DISCHARGE COMMITTEE FROM CONSIDERATION OF EXECUTIVE Y, 96-1

Mr. DANFORTH. Mr. President, I yield such time as he requires to the Senator from Indiana.

The PRESIDING OFFICER (Mr. EVANS). The Senator from Indiana is recognized.

Mr. QUAYLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

Resolved, That the Senate Committee on Foreign Relations is discharged of further consideration of Executive Y-96 of 1982, referred to as the SALT II treaty.

The PRESIDING OFFICER. Is there objection to its immediate consideration?

Mr. SIMON. I object.

Mr. DANFORTH. I object.

The PRESIDING OFFICER. The objection is heard. The resolution will go over a day pursuant to rule XVII, paragraph 4(a).

● Mr. QUAYLE. Mr. President, the resolution I am filing today simply asks that the Senate Committee on Foreign Relations be dicharged of any further consideration of the SALT II Treaty. This would allow the majority leader to call up the treaty for Senate consideration whenever he thinks it is appropriate.

I had hoped that I would not have to file this resolution. I still hope that it will not have to be voted upon. I think it will be, however, if the President's critics persist in their attempts to tie Defense Department spending to continued adherence to certain parts of SALT II.

The issue here is not one's opinion concerning SALT but our constitutional responsibilities. One's view can differ on SALT, but not on our responsibility to approve ratification of treaties. In fact, this has always been a jealously guarded prerogative and for a very good reason. Treaties are law, the supreme law of this country, and we as legislators must assure that whatever formal treaties we enter into are consonant with the laws already in existence.

For minor housekeeping arrangements, such as those covered by Executive agreements, informal consultation with the Senate may be sufficient. But for major commitments, ones that require a formal treaty, such as arms control agreements, the framers of our Constitution were clear—only a two-thirds Senate vote approving ratification would do.

This should not be seen as some sort of anachronism. Certainly, it was not seen as one back in 1979 when the Senate first considered SALT II. At that time, approval of the treaty was so doubtful President Carter considered making the treaty into an Executive agreement.

This tactic, however, was strongly opposed by the Senate leadership as inappropriate and rightly so. The authority and constitutional duty of the Senate were at stake. In deference to the Senate and in recognition that he did not have the votes necessary for ratification, President Carter finally decided to withdraw SALT II from consideration and the treaty was sent back to the Foreign Relations Committee where it sits today.

What the Senate insisted upon in 1979, we dare not forget in 1986. Certainly, back in 1979, many Senators opposed the SALT II Treaty and were anxious that President Carter not try to exclude the Senate by turning SALT II into an Executive agreement. Some of these same Senators today, however, would try to require the Executive to adhere to certain sections of the treaty by merely passing a law.

They cannot have it both ways. What made sense in 1979 still makes sense today. SALT II is a treaty and the Executive should only be required to adhere to it if it is approved by the Senate and is ratified. Just as making it into an Executive agreement may be a way to circumvent this rule, so is trying to legislate adherence to an expired unratified treaty. In fact, it is a triple circumvention. It not only ignores the need for the Executive to take the lead in such matters, but involves the House in treaty matters that it is not constitutionally designated to engage in and vitiates the two-thirds vote requirement.

Mr. President, this is not what the framers of our Constitution had in mind when they made special provisions to protect against quick and easy legislative efforts to get our country enmeshed in international affairs. It is not what the Senate itself understood to be proper when this particular treaty was first considered. It is not what we should allow to occur today.

This resolution, I believe, is the best way to make all this clear. Let us hope that the necessity of actually having to act on it does not arise.●

"WHY MR. REAGAN IS RIGHT ABOUT SALT"

● Mr. WILSON. Mr. President, I call attention to the New York Times of the Sunday, June 15, 1986, article by Kenneth Adelman, Director of the U.S. Arms Control and Disarmament Agency on "Why Mr. Reagan Is Right About SALT." Mr. Adelman clearly and accurately points out the signifi-

cance of the President's decision concerning the unratified SALT II Treaty.

Mr. President, I submit the article for the RECORD and hope that my colleagues will take a moment to read this very important statement.

The article follows:

WHY MR. REAGAN IS RIGHT ABOUT SALT

(By Kenneth L. Adelman)

WASHINGTON.—Bertrand Russell once remarked that we often defend most passionately those opinions for which we have the least factual basis. It is difficult to find any other way to explain the torrent of emotion that has greeted the President's decision that we are no longer bound by the second strategic arms limitation accord.

Even on its face, the case against the President's decision looks dubious at best. After all, the Senate Armed Services Committee agreed unanimously in 1979 that SALT II was not in the country's "national security interests." The treaty was never ratified. It never had the force of law. It never subsequently gained the support needed for ratification. The chief prediction of its critics—that it would permit a vast modernization and expansion of Soviet strategic forces—has come true, in spades. On top of all this, the Soviet Union is violating the central provisions of the agreement.

What could be more clear-cut? Why do critics say that the United States should continue to abide unilaterally by SALT II?

First, Soviet violations are alleged to be "peripheral." The President's critics would like to have it both ways. When SALT II was up for ratification in 1979, its supporters commonly cited three provisions as the main advantages: the numerical limits (on warheads-per-launcher and overall launchers); the prohibition on a second new type of land-based intercontinental missile; and the restraints on encoding test data. The Soviets are completely contravening the provisions on new missiles and encoding, and they have exceeded the limit on missile launchers. Provisions hailed as central when SALT II was being sold cannot be considered "peripheral" now that the Soviets are violating them.

Second, the Soviet violations are sometimes said to be "ambiguous" or unimportant. The new, SALT-violating SS-25 missile is not in any sense marginal. It is one of two powerful new land-based strategic missiles that the Soviets are now adding to their arsenal. In short, a major portion of the current Soviet buildup of land-based missiles is occurring in clear contravention of SALT II. The violation is clear since the throwweight,or payload, of the SS-25 missile is not, as some critics continue to claim, just "slightly" greater than its alleged predecessor, the SS-13, but roughtly twice that—clearly beyond the 5 percent increase permitted by the treaty. In addition, the Soviets' scrambling of their test signals is seriously impeding verification.

Third, it is sometimes claimed that the Soviets have dismantled 1,000 or more systems to comply with SALT. This is contradicted by the fact that the Soviets themselves claim to have dismantled only 540 weapons under SALT. More important, what the critics' figures really demonstrate are not the quantitative limits on the Soviet arsenal but the vast qualitative growth of the Soviet arsenal under the treaty. The Soviets dismantled more during SALT than the United States did because they built faster and modernized much more than we did. The majority of silos said by the critics to be dismantled became the homes of new, vastly more powerful missiles. The figures are less a testimony to SALT's effectiveness than a measure of what it failed to control.

Nor should we attribute the dismantling of any Soviet systems solely or even mainly to SALT. When new Soviet systems come on, old, obsolescent systems generally go. For example, 650 SS-4 and SS-5 medium-range missiles—unconstrained by any arms accord—were dismantled by the Soviets after the SS-20, a far more potent threat, came on stream. The claim that the Soviets' decisions to dismantle weapons during the period of SALT were necessarily due to SALT is a case of misplaced causality.

Fourth, critics claim that without SALT II the Soviets will vastly increase their warheads and accelerate the arms buildup. Projections of large increases in Soviet warheads—beyond the considerable increases already anticipated under SALT—are easily made on paper. In reality, such changes are neither quick nor cheap—nor necessarily even militarily useful. For example, some critics claim that the Soviets would put 20 or 30 warheads on the SS-18 missile, instead of 10. But this is likely to undermine, if not preclude, the SS-18's main mission—that is, to destroy our missiles in their silos.

The basic notion that SALT is significantly constraining the Soviet buildup now, or would do so in the future, is an illusion. It presumes future compliance with critical provisions, when we already have seen clear and major violations of key parts of the treaty. Even while adhering to terms of SALT II, the Soviets have nearly doubled their strategic warheads, from 5,000 to 9,200. Under SALT II, the number could rise further to 12,000 by 1990. With or without SALT II, we envision a 5 to 7 percent growth in Soviet strategic investment every year as far ahead as we can see. With or without SALT II, we envision an all-new Soviet land-based missile force in the next decade.

If this is constraint, it is hard to envision a lack of constraint. With their defense spending running at 15 to 17 percent of their gross national product, the Soviets already have their accelerator near or on the floor.

Ironically, many of the critics who now base so much of their argument on predicting increases in Soviet warheads beyond those envisioned by SALT II (which did not explicitly limit warheads) used to tell us that warheads don't count. Back in the 1970's, when the United States enjoyed a 3-to-1 advantage in warheads, many of these same critics were arguing that "strategic superiority" and numbers of warheads were "meaningless" and could be bargained away without risk to United States security.

Fifth, it is argued that the President's decision is bad for our alliances. Despite extensive Administration consultations with the allies, there have been some allied disagreement and some adverse effects on allied public opinion. We naturally regret this. As the reasoning for the President's decision and the facts become better known, we hope this will change. We hope our allies' concerns will be alleviated.

But short-term popularity cannot be the criterion by which we judge the wisdom of policy. Our overriding concern must remain long-term strategic safety and genuine arms control. Continued adherence to an ineffective and unratified treaty that our adversary is seriously violating is not cost-or risk-free either. As the President has said, what is needed are real reductions. Only this will ultimately provide a solid basis for mutual restraint.

Sixth, it is alleged that what the Administration wants is an "all-out arms race." This is simply false. Anyone who reads the President's decision and listens to what he is saying will see that he has provided a clear new formula for restraint that will be more effective than SALT. The President pledged, for example, that we will not increase launchers or ballistic missile warheads above Soviet levels. This is a serious pledge, one that creates real costs for a Soviet buildup and provides real rewards for Soviet reductions and restraint—just as genuine arms control should do. It is verifiable and do-able. In contrast, continued unilateral observance of SALT II in the absence of Soviet compliance would merely reinforce the dangerous idea that Soviet violations can easily be tolerated. It would also likely encourage even further violations and convince the Soviets to continue their drive for military superiority.

As the President has repeatedly made clear, what we want above all are serious negotiations in Geneva leading to agreements with which the Soviets will comply—to equitable and verifiable reductions in American and Soviet nuclear arsenals.●

NOMINATION OF TERRENCE M. SCANLON

The Senate continued with consideration of the nomination.

Mr. DANFORTH. Mr. President, I know of no other speakers who want to be heard on the Scanlon nomination.

Mr. President, I suggest the absence of a quorum and ask that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1610

Mr. DANFORTH. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I know of no other Members who want to speak on either side and, as far as I am concerned, I yield back the remainder of my time.

Mr. SIMON. I will yield in just 1 minute. I simply want to again say I have nothing against Mr. Scanlon personally, but just as I would not like to see my colleague from Missouri as chairman of the Democratic National Committee, because I think he philosophically does not belong there, Mr. Scanlon does not belong as Chairman of the Consumer Product Safety Commission.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the

yeas and nays having been ordered, the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. HECHT], the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Louisiana [Mr. LONG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 33, as follows:

[Rollcall Vote No. 155 Ex.]

YEAS—63

Abdnor	Garn	McConnell
Andrews	Goldwater	Melcher
Armstrong	Gorton	Nickles
Baucus	Gramm	Nunn
Boren	Grassley	Pell
Boschwitz	Hatch	Pressler
Broyhill	Hatfield	Quayle
Bumpers	Hawkins	Roth
Chafee	Heflin	Rudman
Cochran	Heinz	Simpson
Cohen	Helms	Specter
D'Amato	Humphrey	Stafford
Danforth	Inouye	Stennis
DeConcini	Kassebaum	Stevens
Denton	Kasten	Thurmond
Dixon	Laxalt	Trible
Dole	Lugar	Wallop
Domenici	Mathias	Warner
Durenberger	Matsunaga	Weicker
Eagleton	Mattingly	Wilson
Evans	McClure	Zorinsky

NAYS—33

Bentsen	Glenn	Metzenbaum
Biden	Gore	Mitchell
Bingaman	Harkin	Moynihan
Bradley	Hart	Packwood
Burdick	Hollings	Proxmire
Byrd	Johnston	Pryor
Chiles	Kennedy	Riegle
Cranston	Kerry	Rockefeller
Dodd	Lautenberg	Sarbanes
Exon	Leahy	Sasser
Ford	Levin	Simon

NOT VOTING—4

Hecht	Murkowski
Long	Symms

So the nomination was confirmed.

□ 1640

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DANFORTH. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DANFORTH. Mr. President, I ask unanimous consent that there not be a period for the transaction of routine morning business not to extend beyond 5:30 p.m. and that Senators be permitted to speak therein for 5 minutes each.

THE HUGH O'BRIAN YOUTH FOUNDATION: 28 SUCCESSFUL YEARS

Mr. DOLE. Mr. President, it is my pleasure to take a moment to recognize a very special organization that has, for the last 28 years, worked with tremendous success to motivate youth in America—the Hugh O'Brian Youth Foundation [HOBY]

AN AMERICAN SUCCESS STORY

Hugh O'Brian, in 1958, was one of America's most popular television stars. We all remember his "Wyatt Earp" days and we probably also remember wondering what it must be like to live that Hollywood lifestyle. But, we were not likely to know at the time that Hugh O'Brian had a few other things on his mind than his next film.

No one knew better than Hugh that he had a good thing going, and he was thinking about how—and why—he was there. America had been good to him. A free enterprise system under a democratic form of government had allowed a boy from Pennsylvania to achieve fame and fortune under his own steam. He could reach out to whatever heights his ambition dared. "Having it all," he wanted to give something back. He wanted to show young people that they could do it too, with the recognition that such aspirations are only possible within a system of government that not only allows, but encourages, high ambitions.

OPPORTUNITY—MADE IN AMERICA

We are all told, at one time or another in our lives, to "make something of ourselves." Hopefully, we are not being told that past a certain age. But, when we are young, we are supposed to "make something of ourselves." It is such an everyday phrase in America, that, sometimes, Mr. President, I think we forget just how astounding a concept that is—that we Americans can truly "make ourselves" what we choose to be and serve as a positive force in society. Hugh had done it along with many others in this country. It is a freedom we are all blessed with and, for Hugh, it has been a message to carry to young people across the country and around the world for many years.

ESTABLISHING "HOBY"

The Hugh O'Brian Youth Foundation was founded upon Hugh's return from an inspiring visit with Albert Schweitzer in Africa in 1958. He was determined to "give back" a bit of his own success and motivate aspiring future leaders to do the same. What was originally a few promising young men participating in an informal exchange of ideas with Hugh's business acquaintances is now an annual weeklong international seminar focusing on "America's incentive system." Every State and several foreign countries send one boy and one girl to the seminar to represent their many outstanding high school sophomores. More than 10,000 high schools participated this year at the State level, in 3-day State leadership seminars. In my own State of Kansas, the numbers have grown so large that they will be holding two seminars next year, rather than one.

The Nation's leading professionals in business, industry, government, education, and the arts contribute their time and expertise as they meet with these young "ambassadors" to share their ideas and concerns. The alumni network is some 40,000 strong with leadership seminars held annually at the State level, guided by thousands of volunteers and supporters across the United States.

MOTIVATING TOMORROW'S LEADERS

Dr. Schweitzer, during that memorable visit in Africa, had told Hugh that, "the most important thing in education is to teach young people to think for themselves." HOBY operates on that theory, along with the idea that, if given the opportunity, every person can work toward their highest goals with a good chance of succeeding. Sophomore students are selected to attend the annual State seminars based on top academic performance and leadership potential. With the HOBY theme of "Motivating Tomorrow's Leaders Today," they are encouraged to further develop their natural gifts, explore the world around them and the future that awaits, and reach out to contemporaries to share their insights and enthusiasm.

HOBY opens doors for young people at an age when they are making fundamental decisions about their lifestyles, interests, and goals. Those doors open onto a world they have not, perhaps, had an opportunity to see or recognize as their own forum for future achievement. As they see today's leaders taking an interest in their development, listening to their ideas, sharing with them a wealth of experience and wisdom, they come to recognize the responsibilities that go hand in hand with positions of leadership.

THE BUSINESS COMMUNITY LENDS A HAND

The Senator from Kansas would like to point out that all of this is accomplished without government funding, a point not lost on this body. Private sector contributors have enthusiastically embraced HOBY's goals and achievements and they have "made it

happen" with their generous support. Corporate America, the Main Street business community, service organizations, and individual supporters have made it all possible, year after year and, for that, they certainly deserve our respect and praise.

MANY TOMORROW'S TO COME

Mr. President, the success and vitality of this foundation is evidenced by the fact that, while more than 100 youth organizations in this country have come and gone since HOBY was established, HOBY is in its 28th year and growing ever stronger. Its continuing relevance in our society and its enduring legacy for the youth of tomorrow should convince us that we will not have heard the last of the Hugh O'Brian Youth Foundation—or the leaders it has inspired—for many years to come.

SOUTH AFRICAN DETAINEES' WHEREABOUTS UNCERTAIN

Mr. LEVIN. Mr. President, on June 26 I placed on record the names of some of the detainees picked up by the South African Government, whose welfare and whereabouts are now uncertain. I would like to take this opportunity to add to that list and once again draw the Senate's attention to the continuing injustices and rising tensions within South Africa.

The Government's Bureau of Information has reported 120 deaths since the state of emergency was imposed, yet unofficial sources claim at least another 16 people were killed in a police massacre in Kwandebele on June 12, and there have been recent unconfirmed reports from Soweto that between 9 to 12 blacks died during fighting at a nearby hotel. In addition, human rights advocates estimate that between 3,800 and 8,000 people have been detained, without charge or access to their lawyers, and in the vast majority of cases without informing family members of their detention. Despite the web of silence surrounding those under detention, civil rights lawyers report allegations of torture and assault in a number of police stations, while detainees at Modderbee prison, east of Johannesburg have succeeded in passing a letter on to journalists describing conditions within the prison as "appalling."

Botha's empty gestures at reform have failed to touch upon the fundamental grievances of the black populace. The Population Registration Act, structuring the distribution of privileges throughout the entire society, remains intact. So do the Land Acts of 1913 and 1936, by which approximately 13 percent of the land is available for legal occupation to 73 percent of the population. So does the Group Areas Act, allocating 83 percent of land in residential areas to the whites.

We are asked to believe that the Government is reforming, that the forced removal of people from their land has ceased, that controls over the influx of blacks into urban areas, implemented through the much despised pass laws, have been lifted. Yet, how can we accept these assurances when they fly so blatantly in the face of the truth?

Since January of this year, people have been moved, against their will, from the Moutse area into the Kwandebele region. Although the pass laws were abolished this summer, people are still unable to move into urban areas without Government-approved housing. Considering that 500,000 requests for housing are on record at present, and that this backlog is rising at approximately 200,000 every year, this means a critical shortage in housing has provided an effective indirect method of control over people's movement into urban areas.

Mr. President, a growing section of the South African business community involving such businessmen as Gavin Reilly, chairman of the Anglo-American Corporation, the most powerful corporation in South Africa are pressing the Government to open talks with black leaders and to speed reform. The country's two main white employer groups and a major black union federation have issued an unprecedented joint demand for an end to the emergency and for the release of jailed labor leaders.

Yesterday, widespread student protests, strikes and slowdowns were organized in protest at the emergency rule.

Mr. President, for how long will this administration continue to ignore its own public opinion and that of the Western World, in opposing sanctions? We must heed these people, heed our own consciences and take a step toward halting the inexorable rise in unrest and death.

I ask unanimous consent that the list of detainees be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SOUTH AFRICAN DETAINEES, JUNE 24, 1986

Valerie Metler, Timothy Meyer, Bram Mhlom, Leroy Moses, Tshidi Moshlali, Sue Myrdal (Legal Resources Centre), Neville Naidoo, Lucy Ninzi, Agnes Nokhatywa, Brenda Petersen, Lilian Petersen, William Petersen, Alicia Pieterse, Mr. Ontong and Wilfred Rhodes.

Patricia Rorich, Leonora Rossouw, Mr. Samuels, Carel Sass, Cedric Sass, Daniel Sass, Elizabeth Sass, Ernest Sass, Joseph Sass, Peter Sass, Brian September, Johanna Simons, Felicity Snell, Abraham Petrus Steenkamp and Victor Steyn.

Alfred Stuurman, Sacks Stuurman, Valda Thomson, Helene Thornton (End Conscription Campaign), Fezile Tino, Denise Weeder, Athol Williams, Noel Williams (Congress of SA Trade Unions; Atlantis Residents' Assn.), Grace Zieglaar, Peter Ziegler, 189 people arrested at a church service in Elsie's River, including Dr. Richard Stevens (150 may have been released).

CARNARVON

Nicholas Andreas, Filie Appies, Hendrick Appies, Samual Bass, Benjamin Horing, Ismael Horing, Graham Jansen, Aubrey Klaste, Gerald Klaste, Reuben Klaste, Mr. Lalloo, Rev. Arnay Levenink, John Lukas, Dirk Lyon, Petrus H. Martin, Solomon Neewatt and Leon Van Wyk.

GEORGE

Mr. Asyn, Kenneth Siboto and Mzukisi Vincent Skosana.

GRAABOUW

Priscilla Mac.

MOSSELBAY

S. Adams, E. Andrews, Potlesi August, L. Baker, M. Carelse, N. Damons, Ntsuntayi Dyabaza, Ndumiso Jan, R. Kiewietz, Lesley Krotz, Benny Lecheba and M. Lecheba.

Peter Lecheba, Lilian Malobola, Majeke Mangolwana, Selele Mbangi, M. Mpumela, E. Pokpas, J. Saadon, G. Sparks, Walase Sukula, D. Syfers, Israel Syfers and G. Williams.

OUDTSHOORN

Paul Barnard, Sheila Barnard, Rev. Britz, Rev. Buys, Rev. de Klerk, Jonathan Everts, David Grootboom, Hester Ingo and Derrick Jackson.

Hilton James, Barnard Koelman, Carol Moses, Mzukisi Mooi, Beverly Prins, Wendy Prins, Clive Stuurman and Johnny Stuurman.

SOMERSET WEST

Themba Lemyeni and Anne Mentor.

SWELLENDAM

Michael Adolph.

VICTORIA WEST

George Baza, Justice Fass, Mzamo Fass, Nomsa Hadebe and Ntsokolo Swartbooi.

WORCHESTER

Dennis Byandi, Amos Dyanti, Neil February, Irvin Kolo, Ray Lazarus (Trade Union Official (GWA)), Shepherd Matshoba, Miriam Moleleki, Leroy Moses, Nellie Mroxisa and Lulubooi Peter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1700

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, let me remind my colleagues that under the earlier unanimous-consent agreement to pass the resolution, we shall be on live radio on Wednesday, Thursday, and Friday of this week, but not on live television on Wednesday, Thursday, and Friday of this week. We shall resume live television on C-SPAN on Monday, July 21.

I am also prepared to announce that there will be no more record votes today. We had hoped to have a couple of other matters to bring before the Senate, but they are not quite ready.

We had hoped to bring up S. 2572, Ireland-United Kingdom, authorization and the Ireland-United Kingdom extradition treaty; also S. 2610, Philippines supplemental; and S. 2129, risk retention. It is our hope that we can dispose of those on tomorrow, plus some other matters that we are working on—Panama Canal authorization, CFTC authorization. That is one that, as I understand, is time-sensitive.

Plus, in a meeting today with the Secretary of State, there are at least four nominations that have been held for some time—I guess three on the calendar. One is in committee and may be reported out later this week. He would like very much for us to move those nominations: Mr. Corr, who has been on the calendar for a long time, being denied a promotion; Mr. Abramowitz to be Assistant Secretary for Intelligence; and Mr. Malone, to be Ambassador to Belize. Those have been pending for some time and one may be reported out of committee.

That is about all we are going to be able to accomplish today.

THE CALENDAR

Mr. DOLE. Mr. President, I understand that there are a number of minor matters that we can dispose of. I ask the distinguished minority leader if he is in a position to pass the following calendar items: No. 704, No. 706, No. 707, No. 710, No. 711, and No. 712.

Mr. BYRD. Mr. President, all items identified by the distinguished majority leader have been cleared by all Members on this side of the aisle and we are ready to proceed with consideration thereof.

Mr. DOLE. I thank the distinguished minority leader.

EXPRESSION OF SUPPORT FOR THE NATIONAL STORM PROGRAM

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 137) expressing the sense of the Congress that the Federal Government take immediate steps to support a National STORM Program, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments.

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, as amended, with its preamble, as amended, is as follows:

S. CON. RES. 137

Whereas on May 3, 1986, a Delta rocket carrying the GOES-7 weather satellite failed seventy-one seconds into its flight causing both the rocket and the weather satellite to be destroyed;

Whereas the loss of the weather satellite leaves the United States with only one weather satellite, GOES-6, in geostationary orbit to cover the entire continental United States as well as the Pacific and Atlantic oceans;

Whereas hurricanes have ravaged the eastern United States with regularity every summer and fall, causing great economic loss and human suffering;

Whereas the unanticipated, destructive, and hazardous occurrence of small-scale weather disturbances disrupt the economy through serious impacts on transportation, agriculture, and industry, and result in a staggering average annual economic loss of $20,000,000,000 and an average annual loss of life approaching one thousand;

Whereas the Congress finds that recent advances in atmospheric science and related technology make it possible to improve the protection of the public and increase the productivity of the Nation's economy through modernization of the Nation's weather services over the next decade by improving observation and prediction of storm-scale weather phenomena such as squall lines, thunderstorms, tornadoes, flash floods, freezing rain, and dense fog;

Whereas an increased capability in storm-scale weather prediction and services for the people of the United States will require implementation of observation, data collection, processing, and dissemination technology and an associated research effort aimed at the development of improved forecasting procedures and field programs to acquire the necessary data to test procedures and technology;

Whereas there is a widespread consensus in the scientific community that recent developments in technology and scientific understanding of storm-scale weather phenomena make it timely to undertake a National Storm-Scale Operational and Research Meteorology Program (STORM) which can yield the desired improvements over the next decade in the Nation's weather services;

Whereas the Federal Government is currently pursuing plans to modernize the Nation's operational weather capability by implementing new technology such as next generation radar (NEXRAD), the next generation of geostationary operational environment satellite (GOES) and continuing the two polar satellite system;

Whereas significant improvements in storm-scale weather prediction can be achieved by a modest but sustained annual increase over the next decade in the Nation's present investment in weather services and research; and

Whereas a National STORM Program should be implemented by the Federal agencies involved, including the Department of Commerce, Defense, Interior, and Transportation; the Environmental Protection Agency; the National Aeronautics and Space Administration; and the National Science Foundation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of the Congress that the Federal Government should take immediate steps to support funding for such a program under the leadership of the National Oceanic and Atmospheric Administration of the Department of Commerce, with the cooperation of other interested and appropriate departments and agencies;

(2) on or before August 1, 1986, and each fifth year thereafter the President shall transmit to the Congress a plan setting forth the proposed activities of the National STORM Program and the budgetary requirements needed to meet the program's goals and objectives;

(3) such plan should contain a statement of the activities to be conducted and specify the department or agency of the Government which will conduct the activities; and

(4) on or about January 1, 1987, the President shall transmit to the Congress a report on progress made in implementing the National STORM Program: And be it further

Resolved, That the administration shall place a high priority upon reinstating the two GOES satellite system at the earliest opportunity; shall compensate for the absence of a second GOES satellite and the present diminished satellite capability to forecast hurricanes, by taking such actions as increasing hurricane reconnaissance flights; and shall undertake an immediate analysis of the steps necessary to enhance the prospects of maintaining a two GOES system.

Mr. DOLE. I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. HOLLINGS. Mr. President, Senate Concurrent Resolution 137—the STORM resolution—aims at helping Americans safeguard their lives and property from the effects of violent weather. The resolution calls for a comprehensive program of operations and research to bring about major improvements in the forecasting and warning of tornadoes, flash floods, hail storms, and other severe storms that occur in a localized area. The resolution also calls for prompt administration response to compensate for its diminished capability to forecast hurricanes and other large-scale disturbances as a result of the May 3 loss of NOAA's GOES-7 weather satellite.

Few of us would disagree about the importance of weather services when it comes to storms like these. As you may recall, when I introduced a similar resolution in 1984, my State of South Carolina was still in the aftermath of destruction brought by a series of tornadoes that rampaged from northern Georgia to the North Carolina-Virginia border. These storms left 63 people dead and hundreds of millions of dollars in property damage. There is an average of 800 tornadoes a year.

Even in the last few months we have seen numerous outbreaks of severe weather events around the Nation. Here are a few examples:

A tornado struck Sweetwater, TX, on April 19 and caused death and injuries, destroyed numerous homes, and

generated $20 million in property damage;

On May 15 a tornado wiped out an entire small town in the State of Missouri;

On May 25 a hailstorm with 95-mile-per-hour winds and heavy rain moved through Fort Worth, killing six people, flooding streets and houses, knocking out power, and collapsing the roof of a crowded bowling alley;

And on May 30, fierce thunderstorms hit the Pittsburgh area, killing eight people and causing over $20 million in damage.

The National STORM Program supported in Senate Concurrent Resolution 137 will promote cooperation among Federal agencies in taking advantage of new technology for forecasting and understanding such localized storms. First, the agencies must continue to pursue their commitments to buy next generation weather radars [Nexrad] and advanced systems for data processing and communication. Then, they must work together in making effective use of this new technology in their forecasting and research activities. Senate Concurrent Resolution 137 does not contemplate additional authorizations to carry out this program.

In light of current economic loss estimates of $20 billion a year because of severe storms, the STORM Program can achieve $1 billion of annual savings if it is able to reduce economic damage by a mere 5 percent.

The second half of the resolution focuses on the importance of a system of two geostationary environmental satellites. The loss of the GOES-7 satellite when the Delta rocket malfunctioned 2 months ago left the Nation with only one GOES satellite, where two are required for adequate coverage of the United States, the Pacific Ocean, Atlantic Ocean, and Gulf of Mexico. The GOES system plays a very significant role in forecasting hurricanes, and the resolution therefore calls for interim measures like extra hurricane reconnaissance flights by weather aircraft until the two-satellite system is reinstated. In addition, the resolution urges that the administration place a high priority on seeking means for achieving and maintaining a two-GOES system.

We cannot afford to operate with insufficient coverage of hurricanes. Last year South Carolina had $1 million in damage in Spartanburg from tornadoes spawned by Hurricane Danny, but we were lucky not to have been hurt worse. Six hurricanes and two tropical storms came ashore along the Atlantic and gulf coasts last season, causing $3.5 billion in damage and numerous deaths.

I urge my colleagues to join with me in support of this measure.●

NATIONAL DRUG ABUSE EDUCATION AND PREVENTION WEEK

The joint resolution (S.J. Res. 354) to designate the week of October 5, 1986, through October 11, 1986, as "National Drug Abuse Education and Prevention Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 354

Whereas the illegal drug trade consists of approximately $100 billion in retail business per year;

Whereas removing the demand for drugs would reduce the illegal drug trade;

Whereas drug abuse destroys the future of many of the young people and adults in the Nation;

Whereas the eradication of drug abuse requires a united mobilization of national resources, including law enforcement and educational efforts; and

Whereas the most effective deterrent to drug abuse is education of parents and children in the home, classroom, and community: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 5, 1986, through October 11, 1986, is designated as "National Drug Abuse Education and Prevention Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to participate in drug abuse education and prevention programs in their communities and encourage parents and children to investigate and discuss drug abuse problems and possible solutions.

Mr. DOLE. I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SPACE EXPLORATION DAY

The joint resolution (S.J. Res. 360) to designate July 20, 1986, as "Space Exploration Day," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 360

Whereas on July 20, 1969 people of the world were brought closer together by the first manned exploration of the moon;

Whereas a purpose of the United States space program is the peaceful exploration of space for the benefit of all mankind;

Whereas the United States space program has provided scientific and technological benefits affecting many areas of concern to mankind;

Whereas the United States space program, through Project Apollo, Viking and Voyager missions to the planets, the space shuttle, and other space efforts, has provided the Nation with scientific and technological leadership in space;

Whereas the National Aeronautics and Space Administration, the United States aerospace industry, and educational institutions throughout the Nation contribute research and development to the United States space program, and to the strength of the economy of the Nation;

Whereas the space program reflects technological skill of the highest order and the best in the American character—sacrifice, ingenuity and the unrelenting spirit of adventure;

Whereas the spirit that put man on the moon may be applied to all noble pursuits involving peace, brotherhood, courage, unity of the human spirit, and the exploration of new frontiers; and

Whereas the human race will continue to explore space for the benefit of future generations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 20, 1986, is designated as "Space Exploration Day." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. DOLE. I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENSE OF THE CONGRESS ON RESUMPTION OF U.N. HIGH COMMISSIONER FOR REFUGEES ORDERLY DEPARTURE PROGRAM FOR VIETNAM

The concurrent resolution (S. Con. Res. 143) expressing the sense of the Congress on the resumption of the U.N. High Commissioner for Refugees Orderly Departure Program for Vietnam, was considered, and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 143

Whereas the United Nations Orderly Departure Program for Vietnam has enabled more than 100,000 persons to leave Vietnam without facing the hazards of departure by sea, which has exposed thousands of Vietnamese to the risks of weather, unseaworthy vessels, and the depredations of pirates;

Whereas the international community, the United States Government, and the American people have expressed their support for the agreement reached between the United Nations High Commissioner for Refugees and the Vietnamese authorities in 1979 to establish the Orderly Departure Program for Vietnam (hereafter in this preamble referred to as the "Departure Program");

Whereas that agreement provides for both "family reunion and humanitarian cases" to depart Vietnam through the Departure Program and for the Government of Vietnam to provide the United Nations High Commissioner for Refugees and the receiving countries with every facility to implement the Departure Program;

Whereas the President, in consultation with the Congress, proposed in September 1984, and reaffirmed in September 1985,

that the United States was prepared to receive (1) persons of special humanitarian concern from Vietnam, in particular the "re-education camp" prisoners, thousands of whom remain imprisoned because of their past associations with United States programs and policies in the region or with the former Government of the Republic of Vietnam; and (2) the Amerasian children and their mothers and other close relatives remaining in Vietnam;

Whereas the United States and other concerned governments have earnestly sought improvements in the operation of the Departure Program at meetings organized by the United Nations High Commissioner for Refugees with representatives of the Socialist Republic of Vietnam; and

Whereas the authorities of the Socialist Republic of Vietnam on January 1, 1986, suspended the interviewing and processing of all applicants in Vietnam for resettlement in the United States, thus threatening to interrupt the flow of departures from Vietnam by those found eligible for admission to the United States as refugees or immigrants: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby calls upon the Government of the Socialist Republic of Vietnam—

(1) to permit the immediate resumption of interviewing and processing of applicants in Vietnam who have received preliminary approval from the United States Government for resettlement in the United States under the United Nations High Commissioner for Refugees Orderly Departure Program for Vietnam; and

(2) to permit the orderly departure of "re-education camp" prisoners, Amerasian children, and other persons of special humanitarian concern to the United States.

Mr. DOLE. I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDING THE PEOPLE OF BERLIN FOR THEIR COMMEMORATION OF THE 1936 OLYMPIC VICTORIES OF JESSE OWENS

The concurrent resolution (H. Con. Res. 325) to commend the government and people of Berlin for keeping alive the spirit of equality, freedom, and human dignity through their solemn commemoration of the 50th anniversary of Jesse Owens' victories at the 1936 Berlin Olympic games, was considered, and agreed to.

The preamble was agreed to.

Mr. DOLE. I move to reconsider the vote by which the House concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENSE OF THE CONGRESS REGARDING THE CONTINUED EXISTENCE OF THE BERLIN WALL

The concurrent resolution (H. Con. Res. 326) expressing the sense of the Congress that the existence of the Berlin Wall after 25 years is a visible indictment of the Communist system and that the continued vitality of the Western sectors of the city is a testament to the Berliners' courage and devotion to freedom, was considered, and agreed to.

The preamble was agreed to.

Mr. DOLE. I move to reconsider the vote by which the House concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 99-29

Mr. DOLE. Mr. President, as in executive session,

I ask unanimous consent that the injunction of secrecy be removed from a Convention Providing a Uniform Law on the Form of an International Will (Treaty Document No. 99-29) transmitted to the Senate July 2, 1986, by the President of the United States.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Convention Providing a Uniform Law on the Form of an International Will. I also transmit for the information of the Senate the report of the Department of State with respect to this Convention.

The purpose of the Convention is to enable testators to make wills in a form that will be self-providing in all countries where the Convention is in force. The Convention does not abolish or modify existing laws on testamentary succession, nor does it attempt to unify the formal requirements for executing a will that already exist in the various systems of national law. Rather, it provides, alongside and in addition to the traditional forms, another new form that testators may use—the "international will."

With the increased mobility of persons and goods, there has been a growing awareness of the need for a form of will that will be widely accepted, regardless of where the testator may be domiciled or residing or where his property may be located at the time of his death. American probate law experts participated actively in the preparatory studies for the Convention, which was adopted at a diplomatic conference hosted by the United States at Washington in 1973. Ratification of the Convention by the United States has been recommended by the American College of Probate Counsel and the American Bar Association, as well as by the Secretary of State's Advisory Committee on Private International Law, on which leading legal organizations are represented.

Countries ratifying or acceding to the Convention are required to introduce into their domestic law the rules regarding an international will that are set forth in an annex to the Convention. To give full effect to the Convention in the United States, implementing legislation will be required at the Federal level. Legislation will also be required in those States of the United States that wish to make it possible for testators to execute international wills in their jurisdiction. The distinctions between the two types of legislation are described in the accompanying report from the Department of State. As noted in the report, four States have already adopted the Uniform International Wills Act, in anticipation of United States ratification of the Convention, and it is expected that many more States will do so once ratification is assured. The United States instrument of ratification of the Convention will be deposited only after the necessary Federal legislation is enacted.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *July 2, 1986.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had

approved and signed the following bills and joint resolutions:

On June 30, 1986:

S. 1106. An act to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Saginaw Chippewa Tribe of Michigan in dockets numbered 57, 59, and 13E of the Indian Claims Commission and docket numbered 13F of the U.S. Claims Court, and for other purposes.

S.J. Res. 346. Joint resolution to designate June 21, 1986, as "National Save American Industry and Jobs Day."

On July 2, 1986:

S.J. Res. 290. Joint resolution to designate July 4, 1986, as "National Immigrants Day."

S.J. Res. 365. Joint resolution welcoming the Afghan Alliance.

On July 3, 1986:

S.J. Res. 188. Joint resolution to designate July 6, 1986, "National Air Traffic Control Day."

S.J. Res. 350. Joint resolution to designate 1987 as the "National Year of the Americans."

On July 8, 1986:

S. 1625. An act to permit the use and leasing of certain public lands in Nevada by the University of Nevada.

S. 2180. An act to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

S. 2414. An act to amend title 18, United States Code.

MESSAGES FROM THE HOUSE

At 2:12 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4650. An act to make grants available for youth suicide prevention programs.

The message also announced that the House has agreed to the following resolution:

H.R. 491. A resolution relative to the death of the Honorable John P. East, late a Senator from the State of North Carolina.

The message further announced that pursuant to the provisions of section 4(a) of Public Law 98-399, as amended by Public Law 99-284, the Speaker appoints Mr. KEMP as a member of the Martin Luther King, Jr., Federal Holiday Commission, vice Mr. COURTER, resigned.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4650. An act to make grants available for youth suicide prevention programs; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 2641. An original bill to authorize certain construction at military installations for fiscal year 1987, and for other purposes.

By Mr. WARNER, from the Committee on Armed Services, without amendments.

S. 2642. An original bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1987, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 2640. A bill to establish an Office for the Investigation and Prosecution of Terrorist Offenses Against United States Citizens within the Department of Justice; to the Committee on the Judiciary.

By Mr. THURMOND, from the Committee on Armed Services:

S. 2641. An original bill to authorize certain construction at military installations for fiscal year 1987, and for other purposes; placed on the calendar.

By Mr. WARNER, from the Committee on Armed Services:

S. 2642. An original bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1987, and for other purposes; placed on the calendar.

By Mr. HEINZ (for himself, Mr. SPECTER, and Mr. SIMON):

S. 2643. A bill to amend title 23, United States Code, to improve the program for resurfacing, restoring, rehabilitating, and reconstructing Interstate highways; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 2644. A bill to amend title XIX of the Social Security Act to provide that the Federal medical assistance percentage shall be 100 percent with respect to amounts expended as medical assistance for illegal aliens; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 444. Resolution to modify the provisions of Senate Resolution 28, relating to television in the Senate, to continue television coverage of the Senate until such time as the Senate votes on the question of continuing such coverage; considered and agreed to.

By Mr. QUAYLE (for himself and Mr. WILSON):

S. Res. 445. An executive resolution to discharge the Committee on Foreign Relations of further consideration of the SALT II Treaty; submitted and ordered to be over under the rule.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 2640. A bill to establish an Office for the Investigation and Prosecution of Terrorist Offenses Against United States Citizens within the Department of Justice; to the Committee on the Judiciary.

OFFICE FOR THE INVESTIGATION AND PROSECUTION OF TERRORIST OFFENSES AGAINST UNITED STATES CITIZENS

● Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to create a special office within the Justice Department for the investigation and prosecution of terrorist crimes committed against American citizens or American-owned entities in violation of American law.

Terrorism is emerging as the scourge of the 1980's. With Americans increasingly victimized by terror, the search for an adequate response intensifies. No single strategy can wipe terrorism from the face of this Earth. However, vigorous legal pursuit of terrorists must be part of our strategy to combat terrorism.

There are many laws now on the books that can be used to prosecute terrorists. But they are useless if we lack the will and the resources to use them. One way to demonstrate our continuing, serious committment to arrest, indict and apprehend terrorists is to create a new office within the Criminal Division of the Justice Department for the investigation and prosecution of terrorist crimes against Americans.

Why is such an office necessary? A centralized office would consolidate the expertise and energy now dispersed among various law agencies, such as U.S. attorneys' offices. For those agencies now handling these matters, this type of prosecution is neither their primary responsibility, nor one in which they necessarily have expertise. Creating a specialized office charged solely with this responsibility would end that situation.

This office could do for the investigation and prosecution of terrorists what the Justice Department's Office of Special Investigations did for the prosecution of Nazi war criminals: Provide a professionally specialized solution and a full-time commitment to an unconventional but critical law enforcement problem.

This new office would be more amenable to executive and legislative oversight than the current dispersed state of antiterrorist law enforcement activity. And it would elevate and give institutional priority to efforts to bring terrorists to trial. It would imbue those efforts with the expertise and commitment of those charged with the responsibility for investigation and prosecution of such terrorists on a full-time basis.

If we are able to prosecute a Yasser Arafat or Abu Abbas for one of their many terrorist crimes, then our work will be worthwhile. A small group of people mastermind many of the terrorist crimes that make the front

pages. If you put even one of these kingpins in jail, you can put a stop to a lot of terrorism.

When the Justice Department recently declined to seek a criminal indictment for PLO leader Yasser Arafat for his role in the 1973 kidnaping and brutal murders of two American diplomats, it used lack of resources as one excuse for not making a full search for evidence of his complicity. It explained that the Justice Department needed to use its precious resources to pursue investigations of other terrorist attacks. Surely a special office devoted to nothing but investigations of terrorist incidents would improve this situation.

The office would work in the following way. It would be composed of prosecuting attorneys, paralegals, criminal investigators, social scientists such as experts on the Middle East, and a support staff. The director of the office would be a lawyer, in accordance with the standard Justice Department policy that prosecuting agencies should be led by prosecuting attorneys.

It would be responsible for all current antiterrorist law enforcement activities undertaken by the Federal Government. It would investigate and prosecute terrorist crimes committed against American citizens or American-owned entities in violation of American law, whether committed domestically or extraterritorially, to the extent permitted by Federal law. And it would assume responsibility for existing investigations of past terrorist crimes.

The new office would have the authority to apply Federal laws which, in its judgment, might improve and expand the reach of the U.S. Government over terrorist crimes, including the Racketeering Influenced and Corrupt Organizations Act and new legislation which provides for the jurisdiction to prosecute in the United States those who commit acts of terrorism against Americans abroad.

The new office would also have the authority to recommend and draft for the Attorney General and Congress proposed legislation which might improve and expand the jurisdiction of the United States over terrorist activity directed against Americans and their property. And the office would share intelligence and otherwise cooperate with foreign law enforcement agencies engaged in the investigation and prosecution of terrorists. Also, the new office would handle the requests of foreign governments for the extradition of alleged terrorist offenders who allegedly reside in the United States. It would, in turn, initiate requests to foreign governments for the extradition of alleged terrorist offenders hiding abroad, who are accused of crimes against Americans.

But the physical prevention of terrorist activity would still be done by the FBI, the Secret Service, the Armed Forces, State and local police, and other appropriate intelligence and security agencies. However, when appropriate, the new Justice Department office would share information in the possession of these other agencies, since those accused of committing terrorist crimes are often suspected of planning future ones.

It is time to put money where our mouth is and invest in a long-term legal strategy against terror. We should use the law to prosecute those who operate outside its bounds. And we should make certain that for terrorists, crime doesn't pay. Establishing this special office inside the Justice Department would be a significant first step toward those goals.

Mr. President, I ask unanimous consent that a copy of the bill appear in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office for the Investigation and Prosecution of Terrorist Offenses Against United States Citizens Act".

SEC. 2. FINDINGS.

The Congress finds that a special office within the Department of Justice for the investigation and prosecution of terrorist offenses committed agaisnt United States citizens would—

(1) consolidate the expertise and energy now dispersed among various law enforcement agencies (such as United States attorneys' offices), whose concern with and treatment of such crimes are neither their primary nor their most familiar activity;

(2) do for the investigation and prosecution of terrorists what the Justice Department's Office of Special Investigations did for the investigation and prosecution of Nazi war criminals by providing a professionally specialized solution and full-time commitment to an unconventional law enforcement problem; create a new Justice Department office that would have it in their interest and expertise to engage in such legal action); and

(3) be more amenable to executive and legislative oversight than the current dispersed state of anti-terrorist law enforcement activity.

SEC. 3. ESTABLISHMENT OF THE OFFICE.

There is hereby established an Office for the Investigation and Prosecution of Terrorist Offenses Against United States Citizens (in this Act referred to as the "Office") within the Criminal Division of the Department of Justice. The Office shall be headed by a Director (in this Act referred to as the "Director") to be appointed by the Attorney General. The Director shall report to the Attorney General through the Assistant Attorney General for the Criminal Division.

SEC. 4. RESPONSIBILITIES AND AUTHORITY OF THE OFFICE.

(a) RESPONSIBILITIES.—The Office shall be responsible for the investigation and prosecution of Federal terrorist offenses committed against United States citizens.

(b) AUTHORITY.—In carrying out its responsibilities, the Office shall have the authority to—

(1) investigate and prosecute Federal terrorist offenses committed against United States citizens or American-owned entities;

(2) apply Federal laws which in its judgment might improve and expand the reach of the United States Government over terrorist crimes, including—

(A) the Racketeer Influenced and Corrupt Organizations Act; and

(B) any other provision of law which provides jurisdiction to prosecute in the United States those persons who commit acts of terrorism against United States citizens abroad;

(3) recommend and draft for the Attorney General and Congress proposed legislation which might improve and expand the jurisdiction of the United States over terrorist activity directed against United States citizens and their property;

(4) share intelligence and otherwise cooperate with foreign law enforcement agencies which are engaged in the investigation and prosecution of terrorists (including those accused of committing crimes against United States citizens); and

(5) process the requests of foreign governments for the extradition of alleged terrorist offenders who allegedly reside in the United States and initiate requests to foreign governments for the extradition of alleged terrorist offenders in hiding abroad who are accused of crimes against United States citizens.

SEC. 5. COOPERATION BETWEEN OFFICE AND OTHER AGENCIES.

Each agency and department of the Federal Government responsible for the prevention of terrorism shall cooperate with the Office in the investigation and prosecution of terrorist offenses committed against United States citizens. Such cooperation shall include the sharing of information.

SEC. 6. DEFINITION.

For purposes of this Act, the term "terrorist offense committed against a United States citizen" means [to be supplied—see eg 50 U.S.C. 1801 (c)].

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.●

By Mr. HEINZ (for himself, Mr. SPECTER, and Mr. SIMON):

S. 2643. A bill to amend title 23, United States Code, to improve the program for resurfacing, restoring, rehabilitating, and reconstructing interstate highways; to the Committee on Environment and Public Works.

INTERSTATE HIGHWAY RESURFACING, RESTORATION, REHABILITATION, AND RECONSTRUCTION ACT

● Mr. HEINZ. Mr. President, today, with my colleagues, Senators SPECTER and SIMON, I am introducing legislation to improve the Federal program to restore and reconstruct our Nation's interstate highways. The bill would provide funds for the discretionary Interstate 4R Program, created by the Surface Transportation Assistance Act of 1982, to defray the cost of our Na-

tion's most pressing and expensive highway reconstruction projects.

With the Nation's interstate highway network nearly complete, Congress has quite appropriately turned its attention to the increasing maintenance needs of these highways. In the Surface Transportation Assistance Act of 1982, we provided for a discretionary program for interstate restoration to supplement the existing restoration program in which moneys are distributed to States according to a formula based on each State's interstate mileage and usage.

The purpose of this program was to provide a source of funds that could be awarded on a competitive basis to pay for projects States could not afford to undertake with their formula allotments, such as high-cost restoration projects whose needs the formula did not anticipate. The discretionary program was to be funded by using those formula moneys that States did not spend within 4 years of their disbursement. However, since no State has allowed formula funds to go unused, or lapse, for 4 years, the discretionary program has not received any funds.

This bill would activate the discretionary program by setting aside $300 million from each year's Interstate 4R formula authorization to be placed into the 4R discretionary fund. Additional funds would be provided by reducing the availability period before lapse for regular Interstate 4R apportionments from the present 4 years to 3 years.

Mr. President, I would emphasize that providing funds for the 4R Discretionary Program would require no additional Federal spending. Rather, it would redistribute approximately 10 percent of the 4R moneys that are currently distributed by formula for priority projects across the Nation. Therefore, it would provide the means by which we can target our scarce Federal highway money more efficiently and effectively, eliminating any possibility of waste.

In my State of Pennsylvania, interstate restoration requirements are currently $800 million. In addition, the Interstate System in Pennsylvania is wearing out at a rate of 80 miles per day, which means that restoration requirements are accruing at a rate of $120 million per year. By 1990, total interstate restoration requirements will be in excess of $1.4 billion. Federal and State funds that will be available through 1990 for Pennsylvania's interstate restoration are expected to be, at most, $600 million, leaving a gap of $800 million.

The main reason for this gap is that Pennsylvania has several highways which have major reconstruction needs that cannot be met solely with its share of funds in the formula 4R program. For example, Interstate 80 alone requires an annual investment of $50 million to maintain an adequate riding service. This investment would comprise nearly two-thirds of Pennsylvania's annual $79 million apportionment under the formula program. A viable discretionary program would give Pennsylvania the opportunity to compete for funds it would use to undertake such projects as the restoration of Interstate 80 in Clearfield and Centre Counties, which together would cost a total of nearly $100 million, the reconstruction of Interstate 81 in Schuylkill County, and of Interstate 95 in the Philadelphia metropolitan area. An active discretionary program would also enable a more efficient and equitable use of the 4R formula moneys throughout the State, funds which would likely be used for such projects as Interstate 70 in the southwest portion of Pennsylvania.

Moreover, Pennsylvania is not the only State which has mounting reconstruction needs on its interstate highways. According to the Secretary of Transportation, between 1983 and the year 2000, virtually all of the Nation's Interstate System will require substantial capital investment in order to maintain serviceability. The total dollar amount needed to eliminate all 4R deficiencies through 2000 is approximately $300 billion. According to the Federal Highway Administration's report, "The Status of the Nation's Highways: Condition and Performance," as of December 31, 1983, almost 30 percent of the Interstate System was "barely tolerable for high-speed traffic." Clearly, States need alternative methods to fund 4R needs. By providing a steady and predictable source of funds for the 4R discretionary program, this legislation provides just such an alternative method.

The groundwork for this discretionary program was laid in 1982 when the Congress established a similar mechanism for the redistribution of unspent interstate construction funds. The Interstate Construction Discretionary Program now receives an annual appropriation of $300 million.

For the purpose of redistributing funds under the 4R Discretionary Program, this bill would provide criteria similar to those used in the Interstate Construction Discretionary Program. First, the State applying for discretionary funds must certify that it can exhaust those funds within 1 year from the date they are made available. Second, the State must apply the funds to a project upon which construction work may begin within 90 days of obligation. Finally, in making awards under the program, the Secretary must give priority to those projects which will cost more than $10 million and which would involve work on highways in large urban areas with a high volume of traffic or on highways in rural areas with a high volume of truck traffic. I would add that these criteria for distributing funds based on traffic volume are consistent with the policy of the American Association of State and Highway Transportation Officials.

It is my hope that this legislation may be an important focus of the Committee on Environment and Public Works as they work in the coming months to produce a reauthorization of our Federal-aid highway programs. I urge my colleagues to support this legislation, and I ask unanimous consent that a copy of the bill be placed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Interstate Highway Resurfacing, Restoration, Rehabilitation, and Reconstruction Act of 1986".

SEC. 2. (a) Paragraph (3) of section 118(b) of title 23, United States Code, is amended to read as follows:

"(3)(A) Any funds apportioned to the States for the Interstate System under section 104(b)(5)(B) shall continue to be available for expenditure in that State during the fiscal year succeeding the fiscal year for which such funds are authorized to be appropriated.

"(B) Funds apportioned under section 104(b)(5)(B) which are not obligated before the close of the fiscal year succeeding the fiscal year for which such funds are authorized to be appropriated, and funds set aside under subsection (c)(2), shall be made available by the Secretary to States which submit an application to the Secretary for projects which resurface, restore, rehabilitate, or reconstruct the Interstate System. Any funds made available by the Secretary to a State under this subparagraph shall remain available until expended.

"(C) The Secretary may make funds available to a State under subparagraph (B) only if the Secretary determines that the State is willing and able to—

"(i) obligate the funds within the 1-year period beginning on the date on which the funds are to be made available to the State under subparagraph (B),

"(ii) apply the funds to a ready-to-commence project, and

"(iii) in the case of construction work, begin work within the 90-day period beginning on the date on which the funds are obligated.

"(D) In determining the projects for which funds will be made available under subparagraph (B), the Secretary shall give priority consideration to projects—

"(i) which cost more than $10,000,000 each, and

"(ii) which involve—

"(I) highways in large urban areas with a high volume of traffic, or

"(II) highways in rural areas with a high volume of truck traffic.".

(b)(1) Subparagraph (B) of section 104(b)(5) of title 23, United States Code, is amended by inserting "(after deducting the set-aside required under section 118(c)(2))" after "reconstructing the Interstate System".

(2) Subsection (c) of section 118 of title 23, United States Code, is amended—

(A) by striking out "Before" and inserting in lieu thereof "(1) Before", and

(B) by adding at the end thereof the following new paragraph:

"(2) Before any apportionment is made under section 104(b)(5)(B) for a fiscal year beginning after September 30, 1986, the Secretary shall set aside $300,000,000. Such amount shall be available for obligation by the Secretary under subsection (b)(3)(B).".

(c)(1) Subsection (a) of section 119 of title 23, United States Code, is amended—

(A) by striking out "designated before the date of enactment of this sentence under section 139 (a) and (b) of this title" and inserting in lieu thereof "designated under subsection (a) and (b) of section 139 before the date of enactment of the Interstate Highway Resurfacing, Restoration, Rehabilitation, and Reconstruction Act of 1986", and

(B) by inserting "or shall be made available under section 118(b)(3)(B)" after "section 104(b)(5)(B) of this title".

(2) Section 139 of title 23, United States Code, is amended—

(A) by striking out "funds available to it under sections 104(b)(1) and 104(b)(5)(B) of this title" in the last sentence of subsection (a) and in the fourth sentence of subsection (b) and inserting in lieu thereof "funds apportioned to the State under paragraphs (1) and (5)(B) of section 104(b), and funds made available to the State under section 118(b)(3)(B)",

(B) by striking out "the date of enactment of this sentence" in the last sentence of subsection (a) and in the fourth sentence of subsection (b) and inserting in lieu thereof "the date of enactment of the Interstate Highway Resurfacing, Restoration, Rehabilitation, and Reconstruction Act of 1986", and

(C) by striking out "funds available to it under sections 104(b)(1) and 104(b)(5)(B) of this title" in the fourth sentence of subsection (c) and inserting in lieu thereof "funds apportioned to the State under paragraphs (1) and (5)(B) of section 104(b)".●

● Mr. SPECTER. Mr. President, today I am pleased to join with my colleague from Pennsylvania, Senator HEINZ, in introducing legislation that would give life to a discretionary program for interstate highway rehabilitation projects.

As you know, because the Interstate 4R Program financed through the highway trust fund is the heart of my State's effort to preserve its roads and bridges, I have made it my business during my first term here in the Senate to become very well-acquainted with its intricacies. There is no question in my mind that the I-4R Program, in its present form, does not direct its resources in the best interests of the Interstate Highway System. In fact, the Federal Highway Administration's own study, conducted at Congress' request, found that the current apportionment of funds does not respond to the system's true needs. After long and careful study, however, I have come to the unfortunate conclusion that a modification in the formula for apportioning funds would complicate States' planning and, ultimately, pit one State against the other in raw competition for dollars, regardless of need.

Instead of insisting on a formula change, we propose here today a painstakenly crafted alternative which makes important strides toward achieving objectives every State shares. First, any proposal must increase the efficiency of I-4R expenditures. The money distributed to each State should be spent on the most deserving projects as quickly as possible. Second, any proposal must be within our means—that is, the trust fund must be cushioned to withstand any additional demand on its coffers. The Interstate Highway Resurfacing, Restoration, Rehabilitation, and Reconstruction Act of 1986 satisfies these objectives.

The act would give the Secretary of Transportation discretion to channel those I-4R funds which States cannot spend within 2 years after they are allocated. The idea of reprogramming I-4R funds which are not spent during the statutory period is not new; Congress authorized such a reallocation mechanism with passage of the Surface Transportation Assistance Act of 1982. Although the 1982 act allowed 4 years to elapse before unobligated apportionments would revert to the highway trust fund, it incorporated the same concept of affording the Secretary of Transportation the discretion to dole out these funds to projects she deemed most fit. The 1982 discretionary framework, however, has never materialized because no State has failed to use its funds during the 4 years that they have remained available.

This bill recognizes that shortening the availability period will force State transportation departments to plan more efficiently; moreover, it acknowledges the inadequacy of the formula approach—it cannot predict where requirements will be greatest—and gives the Secretary the flexibility she needs to rectify the problem. The bill guides her in these determinations, offering several criteria for allocation. A State, for example, must apply the funds to a project which it is ready to commence and, in the case of construction, begin work within 90 days. In addition, priority should be given to restoration projects that cost more than $10 million and which involve either highways in urban areas with high traffic volume, or roads in rural areas having heavy truck traffic.

In order to initiate the discretionary concept without delay, the bill sets aside $300 million out of the I-4R account before making any apportionment under the program. Because the proposal calls for no additional funding beyond the current I-4R authorization level, any concern with respect to its potential impact on the Trust Fund's solvency is eliminated. There is precedent for such a discretionary program in the interstate construction area; this legislation is modeled after that program.

My State of Pennsylvania will require nearly $1 billion worth of repair work on its 1,500 miles of Interstate Highway over the next 3 to 4 years, perhaps the life of the reauthorization bill now pending before the Senate Committee on Environment and Public Works. But the current funding formula, at best, would provide my State with approximately one-third the amount required. The necessary restoration of I-80 added to the reconstruction of the Schuylkill Expressway, I-76, in Philadelphia would exhaust the available funding. It therefore is crucial that those Federal funds that lay dormant be put to constructive use immediately.

Mr. President, I am confident that this bill represents a thoughtful and fair solution to the problems inherent in the Nation's approach to preserving our investment in the Interstate Highway System. Granted, this discretionary program does not pretend to place the entire Interstate System in good repair; only a massive increase in authorizations would accomplish that goal. It does promise, however, to enhance the efficient use of those resources we have committed for this purpose.

I urge my colleagues to join as cosponsors of the Interstate Highway Resurfacing, Restoration, Rehabilitation, and Reconstruction Act of 1986, and commend that this body move rapidly toward enactment of an Interstate 4R Discretionary Program.●

By Mr. MOYNIHAN:

S. 2644. A bill to amend title XIX of the Social Security Act to provide that the Federal medical assistance percentage shall be 100 percent with respect to amounts expended as medical assistance for illegal aliens; to the Committee on Finance.

MEDICAID COVERAGE OF ILLEGAL ALIENS

● Mr. MOYNIHAN. Mr. President, yesterday, the U.S. District Court for the Eastern District of New York, in a ruling by Judge Charles Sifton, a distinguished member of the bench, held that illegal aliens are eligible for Medicaid payments and Medicaid care in the hospitals of that district and, by extension, the Nation.

Judge Sifton, who is a distinguished jurist, made a very simple point that there is nothing in the 1965 statute that says otherwise. In a class action suit, brought by seven illegal aliens saying they needed medical care, he held that they were entitled to it.

Might I say, Mr. President, that in the absence of Medicaid payments, we should not assume the absence of medical care. It is the tradition of New York City and most jurisdictions of our country to provide care to the ill

and indigent regardless of their legal status as citizens. It goes back a long time in the history of New York City, long before we had immigration laws—a time when as many as half of the population of the city were technically aliens although not illegal.

However, Mr. President, I think we must accept the ruling of Judge Sifton, and I cannot doubt that if it is appealed, it will be upheld in the courts of appeal—certainly in our second circuit—and eventually will become the law of the land.

In that case, Mr. President, it is required of those of us in the Congress to ask: What provision will we make for the expenses, large expenses, that will have to be incurred by New York State and its localities—and other States and localities in some of them—in the aftermath of this ruling? These expenses will be incurred, of course, because Federal Medicaid payments are matched by States—and localities in 12 States.

I have made some rough calculations. I cannot speak to it with the authority of the Human Resources Administration of New York City, for example, but the numbers are roughly that in 1980, there were 234,000 illegal aliens in New York State; just under a quarter of a million. At the same time, in 1980, of the 17.5 million residents of our State, 1.3 million, or 7 percent, received Medicaid payments at an annual costs of $1,486 per adult. If we assume that the percentage of illegal aliens who would qualify for Medicaid that is, the sick and indigent—is the same 7 percent as for the population as a whole—and the percentage is probably a good deal higher—then 16,380 illegal aliens in New York State would qualify for Medicaid. And if they received the same average payment, then total Medicaid payments would increase $24.3 million, half of which would have to be paid by the State and its localities.

Mr. President, it is altogether unfair that State governments and local governments should have to assume a large share of the cost of dealing with illegal aliens, whose presence is a manifest evidence of a failure by the Federal Government to enforce its laws. Were the Immigration and Naturalization Service able to police our borders and regulate their movement, as they are required to do under law, if the Federal Government did what it says it must do, there would be no illegal aliens or, if there were, there would be an insignificant number.

Clearly stated, the Federal Government being responsible for the presence of illegal aliens, it ought to be responsible for their medical care. My amendment will provide that the Federal Government will pay for all of these Medicaid costs; that is, the Federal medical assistance percentage under the Medicaid program will be 100 percent of the medical care costs for illegal aliens.

I hope this legislation will be received favorably. I can imagine that today in this Senate there are not that many persons aware of this matter. But this will become a national issue in no short order and require a response by the Congress. I hope that this will be done and ask unanimous consent that the text of the bill appear in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL MEDICAL ASSISTANCE PERCENTAGE.

(a) IN GENERAL.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking "Act)." and inserting in lieu thereof "Act) and with respect to amounts expended as medical assistance for any individual who is eligible for medical assistance under the State plan, is not a citizen of the United States, and has not been lawfully admitted to the United States for permanent residence or under other authority of law permitting the individual to engage in employment in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to medical assistance furnished in calender quarters beginning on or after October 1, 1986.●

ADDITIONAL COSPONSORS

S. 89

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 89, a bill to recognize the organization known as the National Academies of Practice.

S. 1259

At the request of Mr. THURMOND, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1259, a bill to correct certain inequities by providing Federal civil service credit for retirement purposes and for the purpose of computing length of service to determine entitlement to leave, compensation, life insurance, health benefits, severance pay, tenure, and status in the case of certain individuals who performed service as National Guard technicians before January 1, 1969.

S. 1446

At the request of Mr. ANDREWS, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1446, a bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of wars.

S. 1747

At the request of Mr. ROTH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1747, a bill to amend the Foreign Assistance Act of 1961 to protect tropical forests in developing countries.

S. 1748

At the request of Mr. ROTH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1748, a bill to amend the Foreign Assistance Act of 1961 to protect biological diversity in developing countries.

S. 1761

At the request of Mr. STAFFORD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1761, a bill to amend the Atomic Energy Act of 1954, as amended, to establish a comprehensive, equitable reliable, and efficient mechanism for full compensation of the public in the event of an accident arising out of activities of Nuclear Regulatory Commission licenses or undertaken pursuant to the Nuclear Waste Policy Act of 1982 involving nuclear materials.

S. 1822

At the request of Mr. THURMOND, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1822, a bill to amend the Copyright Act in section 601 of title 17, United States Code, to provide for the manufacturing and public distribution of certain copyrighted material.

S. 1900

At the request of Mr. ROTH, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1900, a bill to amend the Foreign Agents Registration Act of 1938 by providing for the 5-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

S. 1901

At the request of Mr. ROTH, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1901, a bill to amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

S. 2073

At the request of Mr. MCCLURE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 2073, a bill to encourage the standardization of nuclear powerplants, to improve the nuclear licensing and regulatory process, to amend the Atomic Energy Act of 1954, and for other purposes.

S. 2129

At the request of Mr. KASTEN, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 2129, a bill to facilitate the ability of organizations to establish risk retention groups, to facilitate the ability of such organizations to purchase liability insurance on a group basis, and for other purposes.

S. 2270

At the request of Mr. SIMON, the names of the Senator from Tennessee [Mr. GORE], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 2270, a bill to amend the Immigration and Nationality Act to deter immigration-related marriage fraud and other immigration fraud.

S. 2331

At the request of Mr. HEINZ, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 2331, a bill to amend title XVIII of the Social Security Act to assure the quality of inpatient hospital services and post-hospital services furnished under the Medicare Program, and for other purposes.

S. 2408

At the request of Mr. BAUCUS, the names of the Senator from Maine [Mr. MITCHELL], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 2408, a bill entitled the "Antidumping Act of 1986."

S. 2447

At the request of Mrs. KASSEBAUM, the names of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 2447, a bill to provide for improved disclosure of certain rail transportation contracts.

S. 2479

At the request of Mr. TRIBLE, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of S. 2479, a bill to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 2496

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2496, a bill to authorize the President to award congressional gold medals to D. Andrei Sakharov and Dr. Yelena Bonner for the great personal sacrifice they have made to further the causes of human rights and world peace.

At the request of Mr. WALLOP, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Alabama [Mr. DENTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. MATTINGLY], the Senator from Virginia [Mr. TRIBLE], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2496, supra.

S. 2508

At the request of Mr. GRASSLEY, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2508, a bill to amend section 112 of title 18, United States Code, relating to protection of foreign officials, official guests, and internationally protected persons, to remove the exemption for the District of Columbia.

S. 2515

At the request of Mr. WEICKER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2515, a bill to reauthorize the rehabilitation Act of 1973, and for other purposes.

S. 2531

At the request of Mr. GRASSLEY, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 2531, a bill to amend title 11 of the United States Code to make nondischargeable any debt arising from a judgment or consent decree requiring an individual debtor to make restitution as a result of a violation of State law.

S. 2541

At the request of Mr. FORD, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 2541, a bill to require the issuance by the Department of Energy of a solicitation for coal utilization demonstration projects incorporating clean coal retrofit technologies.

S. 2573

At the request of Mr. HEINZ, the name of the Senator from Michigan [Mr. LEVIN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 2573, a bill to amend the Disaster Relief Act of 1974 to provide more effective assistance to disaster and emergency victims.

S. 2574

At the request of Mr. HEINZ, the names of the Senator from Michigan [Mr. LEVIN], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2574, a bill to amend the Disaster Relief Act of 1974 to provide more effective assistance to disaster and emergency victims.

S. 2590

At the request of Mr. GLENN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2590, a bill to amend the appendix to the Tariff Schedules of the United States to extend the suspension of duty on bicycle parts.

SENATE JOINT RESOLUTION 112

At the request of Mr. PELL, the name of the Senator from Kansas [Mr. DOLE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Dakota [Mr. ABDNOR], the Senator from Michigan [Mr. LEVIN], and the Senator from Wisconsin [Mr. KASTEN] were added as a cosponsor of Senate Joint Resolution 112, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 196

At the request of Mrs. HAWKINS, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 196, a joint resolution designating September 22, 1986, as "American Business Women's Day."

SENATE JOINT RESOLUTION 343

At the request of Mr. D'AMATO, the names of the Senator from Mississippi [Mr. COCHRAN], the Seantor from Alabama [Mr. DENTON], the Senator from Vermont [Mr. LEAHY], the Senator from Connecticut [Mr. DODD], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 343, a joint resolution designating the week of September 21, 1986, through September 27, 1986, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 345

At the request of Mr. DOLE, the names of the Senator from Alabama [Mr. DENTON], the Senator from New Jersey [Mr. BRADLEY], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 345, a joint resolution to designate the week beginning November 9, 1986, as "National Reye's Syndrome Awareness Week."

SENATE JOINT RESOLUTION 355

At the request of Mr. LONG, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Alabama [Mr. DENTON], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Joint Resolution 355, a joint resolution to designate August 1986 as "Cajun Music Month."

SENATE JOINT RESOLUTION 356

At the request of Mr. MATHIAS, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Mississippi [Mr. COCHRAN], the Senator from Delaware [Mr. ROTH], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 356, a joint resolution to recognize and support the efforts of the United States Committee for the Battle of Normandy Museum to encourage American awareness and participation in development of a memorial to the battle of Normandy.

SENATE JOINT RESOLUTION 371

At the request of Mr. DECONCINI, the name of the Senator from New Hampshire [Mr. HUMPHREY] was

added as a cosponsor of Senate Joint Resolution 371, a joint resolution to designate August 1, 1986 as "Helsinki Human Rights Day."

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. LEVIN, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Massachusetts [Mr. KERRY], the Senator from Iowa [Mr. HARKIN], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution expressing the sense of the Congress regarding East Timor.

SENATE CONCURRENT RESOLUTION 136

At the request of Mr. GRASSLEY, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Concurrent Resolution 136, a concurrent resolution entitled "Volunteers are the Importance of Volunteerism."

SENATE CONCURRENT RESOLUTION 145

At the request of Mr. STEVENS, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. GLENN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Concurrent Resolution 145, a concurrent resolution to encourage State and local governments and local educational agencies to require quality daily physical education programs for all children from kindergarten through grade 12.

SENATE CONCURRENT RESOLUTION 147

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Concurrent Resolution 147, a concurrent resolution to express the sense of the Congress that the monkeys known as the "Silver Spring Monkeys" should be transferred from the National Institutes of Health to the custody of Primarily Primates, Inc., animal sanctuary in San Antonio, TX.

SENATE CONCURRENT RESOLUTION 148

At the request of Mr. SYMMS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Concurrent Resolution 148, a concurrent resolution expressing the sense of Congress concerning the nuclear disaster at Chernobyl in the Soviet Union.

SENATE CONCURRENT RESOLUTION 154

At the request of Mr. D'AMATO, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Michigan [Mr. RIEGLE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New Jersey [Mr. BRADLEY], the Senator from Vermont [Mr. LEAHY], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of Senate Concurrent Resolution 154, a concurrent resolution concerning the Soviet Union's persecution of members of the Ukrainian and other public Helsinki monitoring groups.

SENATE RESOLUTION 368

At the request of Mr. GORE, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Ohio [Mr. GLENN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Resolution 368, a resolution to express the sense of the Senate that Federal funding to States for Cooperative Extension Service programs for fiscal year 1987 be restored to at least the level approved in the 1986 budget resolution, except for reductions required in such programs by the Balanced Budget and Emergency Deficit Control Act of 1985.

SENATE RESOLUTION 424

At the request of Mrs. HAWKINS, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 424, a resolution commending Col. Ricardo Montero Duque for the extraordinary sacrifices he has made to further the cause of freedom in Cuba, and for other purposes.

RESOLUTION RELATIVE TO CONTINUED TELEVISION COVERAGE OF SENATE PROCEEDINGS

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 444

Resolved, That, notwithstanding any other provision of S. Res. 28, agreed to February 27, 1986, television coverage of the Senate shall resume July 21, 1986 under the same basis as provided during the live test period under section 5 of S. Res. 28 unless the Senate votes pursuant to section 15 of S. Res. 28 to end coverage.

SENATE EXECUTIVE RESOLUTION 445—DISCHARGING THE COMMITTEE ON FOREIGN RELATIONS FROM THE FURTHER CONSIDERATION OF THE SALT II TREATY

Mr. QUAYLE (for himself and Mr. WILSON) submitted the following resolution; which was ordered to lie over under the rule:

S. EXEC. RES. 445

Resolved, that the Senate Committee on Foreign Relations is discharged of further consideration of EX. Y, 96-1, referred to as the SALT II Treaty.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public, that testimony will be received on an additional measure at the hearing previously scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources on Tuesday, July 22, beginning at 10 a.m. in room SD-366 of the Senate Dirksen Office Building, Washington, DC.

The additional measure is H.R. 5028, the Lower Colorado Water Supply Act. As previously announced, testimony will be received on S. 230, for relief of the city of Dickinson, ND; S. 252, to authorize the Secretary of the Interior to construct, operate and maintain the Lake Andes-Wagner, unit, South Dakota pumping division, Pick-Sloan Missouri Basin Program, South Dakota; and S. 1704, to authorize an increase in the appropriation ceiling for the North Loup division, Pick-Sloan Missouri Basin Program, Nebraska.

Those wishing to testify should contact the Subcommittee on Water and Power of the Committee on Energy and Natural Resources, room SH-212, Hart Senate Office Building, Washington, DC 20510. For further information, please contact Mr. Russell Brown at (202) 224-2366.

ADDITIONAL STATEMENTS

ALAN BLOUNT—A COLORADO SUCCESS STORY

● Mr. ARMSTRONG. Mr. President, a resident of Colorado recently became the national winner of the National Aviation Awareness Contest sponsored by the Federal Aviation Administration. FAA Administrator Donald Engen presented Alan Blount, of Grand Junction, CO, with a well-deserved scholarship and trophy for his efforts in reminding his classmates and others of the importance of aviation to every community.

The contest, entitled "Aviation in my Community," prompted thousands of students from across the country, in three different age groups, to write essays on the importance of aviation in their own hometowns. I am convinced that this contest is a vital link between the important work of the FAA and the next generation of aviation experts. I am also convinced that Alan Blount will be among these.

Alan is a bright student whose deep and abiding interest in aviation is a good example to all his classmates at Grand Junction Central High School. His accomplishment in winning this contest singles him out as one of Colorado's best and brightest.

I commend the FAA for sponsoring this important contest, and I am particularly proud of Alan Blount. His essay is well written and insightful. It is about the important role Walker Field plays in the economy of Mesa County, and the entire Western Slope. But in reality, it is about the role of every airport in its community. I en-

courage all my colleagues in the Senate to read it.

The essay follows:

AVIATION IN MY COMMUNITY

(By Alan Blount)

Grand Junction is a beautiful city located on the Western Slope of Colorado. Much of the wealth of the community has come, directly or indirectly, from Walker Field, the center of aircraft activity in Mesa County. Walker Field has been serving the area for over 50 years and has had a great effect on the welfare of the Grand Junction area.

Before 1935, all air access to the Grand Valley was accomplished via a short dirt strip on what is now the corner of Walker Field, which was constructed in 1935. It was named after Walter Walker, the second publisher of a local newspaper, The Daily Sentinel, who was probably the man most responsible for the airport's establishment. Walker Field has been improved several times in the years since, with the latest improvement being the new terminal building that was completed in 1982, and a recently improved runway.

Of all the effects aviation has in the Valley, the economic aspects are most widespread. Without easy air access, Grand Junction would be isolated from the rest of the nation. The geography in this area is very unique. The Grand Valley is surrounded by mountains on three sides and a desert on the fourth. The closest major cities, Denver and Salt Lake City, are each at least four hours away by land, and the ferocious winter storms common to the area can make the roads dangerous and travel times even longer. Air travel makes safe, easy, and fast commuting possible; a businessman can get up at 6:00 and be in Denver in time for an 8:30 board meeting. Walker Field is one of the Valley's greatest assets. Bob Kays, president of the Grand Junction Chamber of Commerce, said "The strongest indications that we have of the airport's importance (to industrial developers) are the companies we talk to. One of the first criteria for us to even make the cut is that we have an airport with commercial flights. If we didn't have that, they wouldn't even take a look at us." Sunstrand Inc., a large aerospace company, recently picked Grand Junction as the site of a new manufacturing plant that will employ a great number of local workers. The airport itself employs over 200 workers that otherwise would have to find work elsewhere or move out of the valley.

St. Mary's, the communities largest hospital, has made good use of air transportation in it's Flight For Life program. The hospital maintains two large helicopters that are equipped as ambulances. Without this program it would be difficult or impossible to get help to people injured in remote locations in time to safe their lives. Helicopters are also used in the oil shale industry, for sightseeing tours, and as shuttles for important visitors.

Much of the Valley's potential wealth lies in it's orchards. Crop dusting is often used in keeping the level of weeds and insects down. Most of the crop dusting is done by small biplanes and other maneuverable craft, flown by pilots who have become very adept at near misses, vertical climbs, and other maneuvers reminiscent of the Barnstormers of the 1920's. To adequately spray a field, a pilot must fly within a few feet of the ground or the pesticide will be lost to the wind. The maneuvers are complicated by the fact that area farms are almost always surrounded by powerlines, trees, fences, and other obstacles that could quickly end the career of a low-flying pilot who wasn't careful enough. The old saying, "There are old pilots and bold pilots, but there no old, bold pilots" is very true here.

Private planes are used for much more than crop dusting, however, the amount of commercial flights in and out of the valley each year is dwarfed by the number of private flights. Attorneys, doctors, business executives, and houswives have learned to fly, and many own their own planes. Walker Field rents parking spaces for private airplanes, and Monarch Aviation services them. Monarch got its start in 1946 and has done much business ever since. Without good aircraft service and repair, planes would have to be flown to Denver or some other large city for maintenance, and owning a private plane in Grand Junction would be much more expensive than it is now.

Many businesses are indirectly supported or aided by Walker Field. The Grand Valley has several travel agencies that make much of their income by reserving flights for travelers. Nearly all businesses, at one time or another, use air freight to ship goods in or out of town. Overnight mail services depend on air freight for fast delivery that the Valley would not otherwise have.

Recreation is another aspect of life that is enhanced by aircraft. Skiers benefit greatly by having easy and cheap air access to the western slope. Much of the business at Powderhorn, the area's closest ski resort, comes from out of town. The skiing industry in the valley is so big that nearly twice as many flights go through Walker Field during the winter as in the summer. The surrounding mountains protect the valley from the harsh snowstorms common to the state; winters here are usually mild and there is rarely enough snow to necessitate closing the runways for long periods of time. This makes air travel an excellent way to get to the great skiing of the western slope without having to drive hundreds of miles in poor weather.

Flying ultralight aircraft has recently become a popular pastime, and the sport has several devoted followers in the valley. Ultralights allow those without enough money for a private plane to enjoy the thrills of flying their own aircraft. On a warm summer day it is impossible not to hear the buzz of an ultralight engine overhead at least once. Supermarket magazine racks are loaded with magazines devoted to the flying of these tiny planes. Hot air balloons are another popular aerial hobby in the valley. Nothing matches the thrill of floating silently hundreds of feet in the air with nothing keeping you aloft but a bag of hot air, and the view is fantastic. Many balloon pilots offer inexpensive rental rides to anyone who wants to experience this unique sensation.

The Grand Valley of the western slope would be a far different place without the benefits of aviation. Walker Field, Monarch Aviation, the three airlines serving the valley, and the people of Grand Junction are all working together to make sure that we will always have the advantages of air travel.●

ADVANCE NOTIFICATION

● Mr. LUGAR. Mr. President, by agreement, section 36(b) of the Arms Export Control Act provides that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 20 calendar days to review and consult with the administration on the proposed sale. Section 36(b) requires that Congress then receive a statutory notification of the proposed arms sales and upon such notification, has 30 calendar days to review the sale. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. A portion of the notification, which is classified information, has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 3, 1986.

In reply refer to I-03512/86ct.

Dr. M. GRAEME BANNERMAN,
Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b)(1) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a North African country tentatively estimated to cost $50 million or more.

Sincerely,

PHILIP C. GAST,
Director.●

AMERICAN PSYCHOLOGIST INTERVIEW WITH JAKE JAVITS

● Mr. D'AMATO. Mr. President, I submit for the RECORD the following interview with former U.S. Senator Jacob Javits. The interview published in the American Psychological, was conducted by Dr. Frederick King, director of the Yerkes Regional Primate Research Center at Emory University in Atlanta, in July 1985. Entitled "Reflections of an Advocate for Research and Health Promotion," the interview has a profound message for the future direction of health research expenditures in this country and important advice for the health research community.

REFLECTIONS OF AN ADVOCATE FOR RESEARCH AND HEALTH PROMOTION—AN INTERVIEW WITH JACOB K. JAVITS

(By Frederick A. King)

Jacob K. Javits served as U.S. Senator (R-NY) from 1957 to 1981 and was a major architect of health research and health service legislation. Prior to serving in the Senate, he served as Attorney General for

the state of New York, 1955–1957, and represented New York's 21st District in the 80th to 83rd sessions of Congress. He was a member of the National Commission on Marijuana and Drug Abuse, 1971–1973, served as chair of the North Atlantic Assembly's Political Committee, Committee of Nine, Parliamentarian's Committee for Less Developed Nations, and was a delegate to the 25th anniversary of the United Nations General Assembly in 1970.

Javits was born in New York City on May 18, 1904. He received his LLB from New York University in 1926 and has since received 40 honorary degrees. He was admitted to the New York State Bar in 1927 and practiced law in New York City.

Senator Javits was interviewed by Frederick A. King, member of the APA Board of Scientific Affairs, in July 1985.

KING. Senator Javits, you have been a major architect of health planning in our nation for many years. You were a founder of the National Institutes of Health in 1947, and you have been the leader of literally dozens of congressional initiatives in health and related areas since then. I am here today representing the American Psychological Association, which has within it many scientists that carry out research of a behavioral, biological, and biomedical nature. Our membership is interested in your thoughts on what the role of scientists and scientific organizations should be in working with Congress. What approach should we be taking to be most effective in furthering our science?

JAVITS. I think the approach is twofold: One, the expertise of scientists is critical. In the years since World War II, there's been a growing respect for the facts and legislating in the light of those facts. There has been a lot less emphasis on rhetoric, not that the press and the media don't pick up rhetoric, but interestingly enough, Congress is much better informed. We have bigger staffs. We even have staffs that can understand science. We have committees that specialize in technology, and this is no new world in that respect. The other aspect of the involvement of scientists is to awaken us to their ethical and moral concerns. They have very considerable problems on these levels. One of the great struggles when I was in Congress, which was not very long ago, revolved around DNA research and how that could be handled with sensationalism rampant, letting the genie out of the bottle and the scientists' insistence that their research was critical in finding the essence of life, how to preserve it, and how to enable it to be used to the greatest advantage. Also, I have great respect for scientific thinking in the field of atomic weaponry which has been a very major aspect of their lobbying (using that word in its best sense). So I think we're in a new era of a better informed national legislature and that goes for states as well. There is also a greater interest in and greater confidence of the scientific community in shaping public policy.

KING. You mentioned an increasing awareness of scientific developments among legislators, which is partly the consequence of their increasingly sophisticated staff who help keep legislators informed of scientific trends and needs. I have noticed a considerable change in this direction, too, over the past 15 years. Looking at it from the other side, do you believe that the scientists themselves have become more knowledgeable about how to get their needs and their ideas across to Congress? Have they been as expressive as they should be in informing Congress of what is happening in new scientific developments, and what they see as national needs, or do scientists need to speak more strongly and frequently and organize themselves better?

JAVITS. I learned a good deal about those techniques. It's not an accident that the President has a science advisor, that both houses have committees on science and technology, and that there is an interest in both the U.S. House of Representatives and the U.S. Senate to obtain the scientists' expertise as well as the scientists' point of view, particularly on the ethical questions which are raised. I, for example, have been recently involved with the issue of living wills and the right to die peacefully. Thirty-five states recognize and permit the patient to express a will which is tantamount to a will leaving property or providing for guardianship of children. Other accepted norms or wills now extend to medical decisions and whether the individual wishes to be propped and kept alive by scientific means when the prospects for effective life could be very dim. Many are now opting to terminate life in the absence of any real reason, except a humane one, and question sustaining life, which is devoid of meaning or content. I think these are all evidences that we live in a world of the scientist who is no longer recognized only as a specialist in his or her discipline, but recognized as a valuable addition to thinking and to control.

KING. One of the major issues for the nation, for Congress, and for those scientists who do research with animals on behavioral and biomedical problems is that we are confronted today with a movement of increasing opposition to animal research. People and organizations who oppose research with animals accuse scientists of cruelty toward animals and of conducting unnecessary research. In fact, many opponents of animal research deny that any benefit to human health or welfare has come from animal research. I would like to hear your reflections on what you see as the social, political, and philosophical factors that have contributed to this activist, antiscience, and antiresearch movement that has increased so greatly over the past five years or so.

JAVITS. When we live in an age when people commit arson on abortion clinics, these activities are not surprising. It is far from unique to this time and there have been far darker ages than these. Animal or human experimentation is a necessary criterion for human application. That is the general rule, and a very sound one. For animals, I believe experimentation is by the overwhelming mass considered vital. There are people who are very zealous about what they consider to be cruelty to animals. We have made in the Congress great efforts to assuage those fears and those concerns by requiring rules and regulations and by enforcing procedures according to the best scientific advice. Animals, if they can contribute to scientific knowledge and can be dealt with humanely within that context, are the source for such experimentation. The case histories show extraordinary efforts by scientific laboratories and investigators to show an enlightened and humane attitude to the animal's welfare and show us that violations and excesses are minimal. It is the proper functioning of government to repress these excesses just as we turn our conscience against the right of an owner to beat his animal, the same ethics apply to experimentation. But to quit animal experimentation is to adopt a "know nothing" attitude, and is very antithetic to the interests of the human society and must be resisted.

KING. I believe that if scientists had spoken out more clearly 10 or 20 years ago and explained to the public what they do in their research, and why they do it, and the precautions they take to insure humane treatment of their animal subjects rather than holding themselves aloof from the public (as scientists tended to do a few decades ago), we might not be having some of these problems now. In the final analysis, most behavioral and biomedical research is funded by the federal government, and I believe that scientists have an obligation to the taxpayers to let them know scientists' own concerns for animals and the necessity and desirability of animal research in the interest of human physical, mental, and social health. Can you help us understand why scientists were reluctant to be more forthcoming in the past, and do you agree that they should make every effort to communicate directly with the public?

JAVITS. Well, I agree with that feeling. There is really nothing that unexplainable if you have the will to explain it, the patience, and sufficient knowledge of the subject to make it understandable to the layman. One of the things which is most abhorred by legislators and the public is: "Since you won't understand this, just leave it to me. I'm trained and knowledgeable, a decent and honorable human being. Trust me." That's gone out of fashion. People want to know, and they can comprehend if you are knowledgeable to explain it in terms which are comprehensible. Certainly this is a necessary condition preceding any willingness of the public to accommodate research on animals. Even today, I think that the generalizations are necessary. You get quite specific in order to make the case, and if people want to take the trouble, try to understand it, they will at least know that a bona fide effort has been made and that the explanation is available. I think that the scientific community has everything to gain by adopting that attitude.

KING. If you were in the Senate again today—and there is no reason to think that if you had elected to run again you wouldn't be there right now—are there special priorities that you would have? Are there things that you think we ought to be doing with regard to health research that we are not doing enough of now?

JAVITS. Well, I think that the support of research and the art of giving is, as they say in the philanthropic field, now a science itself. What do you give to and how much and when? Take my own case. I was in the Congress when we started the research on the diseases of the heart. That came in the late '40s and '50s. As a matter of fact, I was myself the author of the National Institute of Heart Disease in 1948. That was succeeded by a major effort in cancer, and since I have been out of this in '81, now I'm mounting a major effort in neurological and neuromuscular diseases and the appropriation and the techniques for pursuing it have been massively increased. Looking down the road, it's now becoming very fashionable, the means for keeping well, as well as curing illness are getting very heavy support in terms of antismoking and antidrug campaigns, antigluttony and intelligent nutrition, sleep, exercise, and preoccupation to the arts and more enlightened views of what makes for the health of the public. And I believe that in my own preoccupation with national health strategy, and I persisted in that for almost forty years, has been motivated by the consideration of the Greek ideal of the healthy mind and the healthy

body, with the emphasis on periodic care and prevention. The integration of health and behavior has been the radical change that has occurred in the latter part of this century.

KING. You have been, of course, highly active in supporting legislation that has benefited those who lacked educational opportunities, had mental health problems, or required special instruction because they were retarded or handicapped. Do you have any special thoughts on where we should be going in the future in terms of these particular problems or others in the realm of mental health?

JAVITS. Well, I think there are two aspects: one is the employment of the arts and sciences to ease physical disabilities. This is far from the best wheelchair that I sit in and the physical difficulty of transferring me from the chair to bed and from bed to chair is enormous. To achieve a greater improvement . . .

KING. Through human engineering?

JAVITS. Yes. I think giving a person the maximum capability for self-help is very critical. We should also require people who are disabled or handicapped to measure up to the same standards of self-reliance, as far as possible, as people who have normal ability to function. That's psychological so they are not throwing themselves on other human beings expecting to be forgiven for being less than normal. The correlative effect is to be recognized as fully equal and able to be responsive to the same standards as the community at large. These are the essentials. We're often enmeshed in therapy which is inadequate and not extensive enough. Enabling the individual who is handicapped to pursue his or her chosen path, in whatever function in life, represents the lifeforce. In my case, the ability to speak, the means through which to speak, to think, to write, to participate in whatever other calling an individual is involved in, to adapt the means to the capabilities of that individual or to find a new calling where the means can be dveloped, should be made more available.

KING. I gather that you feel that scientists with psychological and biobehavioral training and experience can contribute significantly to the improvement of conditions for the physically ill and handicapped.

JAVITS. Enormously!

KING. The breadth of contributions psychologists can make to the welfare of the handicapped is certainly great. It ranges from counseling and therapy to efficient design of devices based on our knowledge of physiology.

JAVITS. It's a substitute in the modern context. I would say substitute, but it's really the implementation in the modern context of the preaching of the prophets both in the Old and New Testaments. And we now have so much greater ability to realize those prayers.

KING. Over the past several years, Congress has had increasingly direct involvement in determining what our national health priorities will be and where the funds will go to support resources for health advancement. What do you see as the respective roles of Congress, the scientific community, and the federal agencies, that belong to the executive branch, such as the public health service, in the determination of the nation's health priorities and the allocation of funds? What should the balance be among the several forces that contribute to the nation's health?

JAVITS. Well, I can't tell you what it should be because I'm no seer, but how it should come about is by an interplay of these forces and by mutual respect of the weight of each other—to give them equal weight without regard to the distribution of power because that's what they're entitled to and that's what they should have. I believe that in this regard, the system has worked quite well. There is immense respect in the Congress for scientific opinion. There is a greater knowledge in the scientific community for the accommodation which must be made both to fiscal policy and to public opinion. Thus, great progress has been made.

KING. Do you have any thoughts how our nation can most effectively cope with rising health costs? To what extend should the federal government accept responsibility? What portion of costs should be left up to the individual for support?

JAVITS. I believe that the insurance principle is the best way in which to deal with rising health costs. This involves a basic principle that economics should not determine who lives and who dies. That does not mean that if I can afford it, I can't have a private room. But it means that the care in a two-bed or a four-bed or a ward ought to be, in reality, equal.

KING. With regard to health insurance, do you have some thoughts as to whether fee-for-servive plans or prepaid plans are preferable in terms of benefits to the consumer, the practioner, and the nation's health economy?

JAVITS. With Senator Ted Kennedy I am the author of HMOs, but I believe that prepayment is the best insurance principle in support of preventive care. Periodic examinations should be available universally and it should be a governmental obligation to pay for the unemployed and the indigent. Of course, we have Medicaid and as yet do not have health insurance for the unemployed as we should. But I am very strong for stipulated fee to keep you well, which is the essential HMO principle. With me that goes back to at least twenty-five years with what we have achieved from the Kaiser-Permanente system and comparable plans.

KING. Are there any other comments you'd like to make or particular topics you'd like to address?

JAVITS. No, thank you. I am a lawyer and since I was a trial lawyer. . .

KING. Yes.

JAVITS. . . . I always told witnesses: "When you get into real trouble, is if you volunteer and keep talking."

KING. Well, we want to thank you very much. You were very kind to take your time out to see us. We certainly wish you the very best. And I'm a great admirer of yours.

JAVITS. Thank you. You're very kind.

KING. Thank you.●

ACTION ON BEHALF OF SOVIET ARMENIAN POLITICAL PRISONERS

● Mr. D'AMATO. Mr. President, as Chairman of the Commission on Security and Cooperation in Europe, the agency mandated by Congress to monitor and encourage compliance with the Helsinki accords, I wish to call the attention of my colleagues to an important human rights event. I am referring to the establishment in Los Angeles, CA, of the Committee for the Defense of Soviet Armenian Political Prisoners. This group, founded by former citizens of Soviet Armenia and members of the Armenian-American community the United States, seeks to bring to the public's attention the plight of Armenians imprisoned in the U.S.S.R.

Armenia's past is long and rich with achievement. Today 1 of the 15 republics which make up the Soviet Union, Armenia's history dates back nearly 3,000 years to a time when its empire ranked in importance with that of Byzantium and Persia. Christianity was established in Armenia as early as the 4th century A.D. The National Geographic Society notes that "Armenians are respected as artisans, scientists, and energetic merchants * * * the character of Armenians is both strengthened and saddened by a dark and bloody history of wars, occupations, massacres, and deportations." Despite repeated, violent attempts to extinguish them both physically and culturally, the Armenian people have clung to their national traditions and historic identity. I might add here that our own Nation has profited greatly from the influx of industrious and talented Armenians who emigrated to the United States during particularly repressive times. The world-famous writer William Saroyan, Coach Ara Parseghian, and the present Governor of California, George Dukmejian, are but a few of the many Americans of Armenian heritage who have so richly contributed to the American experience.

For Moscow, however, Armenian nationalism within Soviet borders is a dangerous thing. Those who have sought to preserve Armenian culture against the Kremlin's relentless Russification efforts or to monitor Soviet compliance in Armenia with the provisions of the Helsinki Final Act have been ruthlessly persecuted. Indeed, the Armenian Helsinki Monitoring Group, founded in April 1977 following the signing of the Helsinki accords by the Soviet Union, has been broken up by the authorities. Eduard Arutyunyan, its founder, died in 1984 while serving a prison term for human and national rights activism. Since 1963, over 200 Armenian political prisoners have been behind bars at one time or another. As many as 30 Armenian political prisoners are in Soviet labor camps or prisons today. The Soviet Government also restricts contacts with Armenians abroad and denies permission for many to emigrate.

Mr. President, at this time, I would like to enter into the RECORD a list of Armenian Prisoners of Conscience who, according to the Committee for the Defense of Soviet Armenian Political Prisoners, have not only been unjustly incarcerated, but are also suffering from poor health.

"OUR APPEAL TO MEMBERS OF THE U.S. CONGRESS"

1. Ashod Navasartian—sentenced to eight years in jail and three years exile.
2. Marzbed Arutyunyan—sentenced in 1980 to seven years in jail and five years exile.
3. Paruyr Hairikian—sentenced to ten years in jail and three years exile.
4. Georgy Khomizouri—sentenced to six years in jail and three years exile.
5. Azad Arshakian—sentenced to eight years in jail and three years exile.

These victims of Soviet human rights abuses and their colleagues in similar confinement deserve our attention and whatever appropriate measures we can take to ease their plight.

For many of the approximately 2,000,000 people of the Armenian diaspora, among which are 600,000 Armenian-Americans, violations of human rights in their homeland by Moscow are an injustice which cannot go unanswered. The Commission on Security and Cooperation in Europe shares their concerns and their goals and will continue to work, as it has in the past, for Soviet implementation of the human rights provisions they agreed to in 1975 when they signed the Helsinki Final Act.●

NATIONAL ACADEMIES OF PRACTICE

● Mr. D'AMATO. Mr. President, I wish to cosponsor important legislation affecting the American health care industry. I commend my colleague from Hawaii, Mr. INOUYE, for bringing this legislation to the attention of the Congress.

S. 89 would establish a Federal charter for the National Academies of Practice. This organization represents health care practitioners who have contributed significantly to the practice of applied medicine, dentistry, osteopathy, podiatry, optometry, psychology, nursing, social work, and veterinary medicine.

This organization is the first to bring together different representatives from the health care industry. At a time when health care is rapidly changing and growing, a coordinated network of health care practitioners is invaluable.

The National Academies of Practice will prove to be a vital resource to Congress and the executive branch. The organization's network of practitioners for all sectors of the health care industry will be a unique source of practical information for health care public policy, Given the numerous decisions that are being made on a Federal level about health care services, decisionmakers in Washington must have access to qualified and exemplary practitioners.

Again, I commend Mr. INOUYE for supporting interdisciplinary activity in the health care industry.●

ON THE WELL-BEING OF RESEARCH MONKEYS HELD BY THE NATIONAL INSTITUTES OF HEALTH

● Mr. D'AMATO. Mr. President, I support legislation protecting the welfare of monkeys that have served the research activities of this Nation. My colleague from California, Mr. CRANSTON, again has brought the well-being of these animals to the attention of the Congress. I commend his dedication and perseverance in this matter.

In the past few months, a great deal of attention has been brought to certain primates being held at the National Institutes of Health. These primates were used as part of a research project at the Institute of Behavioral Research. Initially, the NIH promised animal welfare groups that the primates would be allowed to reside in a humane animal environment after research at the IBR was completed. However, the NIH had a change of heart. Recently, the NIH shipped the 15 primates to the Delta Regional Primate Research Center in Louisiana for additional involvement in research activities.

The movement of these animals to another research center reflects poorly on the NIH. On May 5, 1986, over half of the Senate contacted the NIH to protest the withholding of these primates. The Senate recognized the ability of the NIH to legally intervene to release the primates to an independent sanctuary. However, the NIH, clearly overlooking congressional intent, chose to send the primates to another research center.

I have not been impressed by the NIH's conspicuous and manipulative handling of this situation. The NIH clearly understood the importance of these animals to Congress. A quick, overnight shipment to Louisiana was deceptive and mischeivous.

Although I am a strong supporter of biomedical research activities, I do not believe that animals involved in research should be unnecessarily abused or mistreated. Clearly, these primates have valiently served and sacrificed for biomedical research. Now is the time to reward them for their sacrifice.

I am hopeful that the NIH will reconsider its decision to locate the primates in Louisiana. It is time that these animals reside in the human environment that they deserve.●

ADVANCE NOTIFICATION

● Mr. LUGAR. Mr. President, by agreement, section 36(b) of the Arms Export Control Act provides that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 20 calendar days to review and consult with the administration on the proposed sale. Section 36(b) requires that Congress then receive a statutory notification of the proposed arms sales and upon such notification, has 30 calendar days to review the sale. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. A portion of the notification, which is classified information, has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 2, 1986.

Dr. GRAEME BANNERMAN,
Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b)(1) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to Southeast Asian country tentatively estimated to cost $14 million or more.

Sincerely,

PHILIP C. GAST, *Director.*●

THE STATUE OF LIBERTY

● Mr. GORTON. Mr. President, today I would like to share with my colleagues a well-written poem by an eighth-grader from Stanwood, WA. Miss Sonja C. Hanson, in keeping with the festivities for the Statue of Liberty, wished to express her feelings.

The rededication of this grand statue as an international symbol of liberty has caused a large number of Americans to try to express their feelings for this country. Sonja's poem was entered in a contest in Washington State and turned out to be a winning composition. I know her thoughts on the Statue of Liberty express the feelings of many other Americans.

The Statue of Liberty has been more than just a statue ever since its installation. She has represented hope, freedom, and liberty to the many immigrants who have caught sight of her and not forgotten their first glimpse of America. I hope you enjoy the thoughtful, creative work of Miss Hanson as much as I did.

Mr. President, I ask that the poem be printed in the RECORD.

The poem follows:

OUR STATUE: TEACHER OF LIBERTY

(By Sonja C. Hanson)

Your large, lucid eyes have seen many a weary sojourner
Your all encompassing hands firmly grip two emblems of freedom
Your torch is ever burning with light for everyone
Your tablet always held for all the world to see
On it a date of liberty
Your proud head bears a crown of hope
Seven rays bring that hope to the seven seas and seven continents of our earth
At your feet a broken shackle lies signifying the freedom our nation gives
Your lips always seem to whisper "In God we trust" . . . and we do
Oh, majestic lady, Liberty Enlightening the World,
To you we DO bring our tired, our poor, our huddled masses . . .●

PROJECT 70001

● Mr. QUAYLE. Mr. President, I should like to insert in the RECORD a recent newspaper article on Project 70001, a successful program to reduce youth unemployment in Indianapolis, IN. With youth unemployment at such an unacceptably high level, it is all the more important to publicly recognize programs that are doing something about it.

Project 70001 is administered by the Near Eastside Multi-Services Center in affiliation with the Indianapolis Alliance for Jobs which is the private industry council for Indianapolis that is required by the Job Training Partnership Act [JTPA]. I commend these organizations for their work in combatting youth unemployment.

I ask that the article, which appeared in the Indianapolis Star, be printed in the RECORD.

The article follows:

SCHOOL DROPOUTS GET 2ND CHANCE AT 70001 TO SUCCEED

(By Jo Ellen Myers Sharp)

David B. Buckhalter says he doesn't know where he'd be without 70001.

"But I know I wouldn't be as well off as I am now," says the 18-year old high school dropout from Indianapolis. He found 70001 tailored just for him.

Project 70001 is part of the Near Eastside Multi-Services Center programs. It also is affiliated with the Private Industry Council.

High school dropouts between 16 and 21 years old can sign up as an "associate" in the program, which requires a minimum of 60 hours of training Funding comes from public and private grants.

The program finds jobs for associates and prepares them to take the high school equivalency examination. They receive no stipened while in training, but bus fare and child care are provided sometimes.

"We try to teach young people about themselves," explained 70001 director J.P. Smith.

At 7:30 p.m. Tuesday, Buckhalter will be among 60 associates to receive their high school diplomas in the State House Rotunda.

The training that Buckhalter received at 70001 has landed him two jobs—one full time at L.S. Ayres & Co., where he works in housekeeping: and a second at the Fall Creek YMCA, where he is a desk clerk part time. He's taking computer programming classes part time and hopes to get more training.

Buckhalter dropped out of Arlington High School "because I didn't want to be there" when he was 16. After spending some time with the federal Job Corps program, he found his way to the offices of 70001 in the old Merchants Bank Building at Meridian and Washington streets.

"They weren't just a lot of mumbo-jumbo there. They really help the disadvantaged unemployed youth," he said.

Since 1978, 70001 has helped about 1,200 high school dropouts through four weeks of pre-employment training. In training they learn how to fill out job applications, dress for interviews and present themselves in the best way possible.

Along with job skills development, 70001 offers classes to help associates make better lives for themselves, teaching them a variety of skills, including how to be better parents. Many of the associates are single parents with little or no means of support.

Once the students complete this program, they are sent out on interviews. After they are hired, one of the 13 staff members continues contact with the former associates for several months to ensure their success.

Smith says about 80 percent of the associates do well. "About 20 percent we cannot help," he said.

Once the associates get a taste of work, their ambitions grow, Smith said. "That's where they learn having an education can make a difference."

Volunteer and paid tutors help students prepare for the five-part high school equivalency examination. The program is performance-based and the tutors "contract" with 70001, promising that a certain number will graduate.

"Our kids just need some-one to show how to focus on what they need to do to succeed," Smith said.

In the future, the project hopes to receive federal grants to enhance its computer learning programs and remedial work.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. RUDMAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. James P. Lucier, a member of the staff of Senator JESSE HELMS, to participate in a program in Munich, West Germany, sponsored by the Hans Seidel Foundation, from July 3 to July 6, 1986.

The committee has determined that participation by Mr. Lucier in the program in Munich, at the expense of the Hans Seidel Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. David S. Sullivan, a member of the staff of Senator JAMES MCCLURE, to participate in a program in Munich, West Germany, sponsored by the Hans Seidel Foundation, from July 3 to July 7, 1986.

The committee has determined that participation by Mr. Sullivan in the program in Munich, at the expense of the Hans Seidel Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Elizabeth Arens, of the staff of Senator ORRIN G. HATCH, to participate in a program in the Federal Republic of Germany, sponsored by the Konrad Adenauer Stiftung, from June 21 to June 28, 1986.

The committee has determined that participation by Ms. Arens in the program in the Federal Republic of Germany, at the expense of the Konrad Adenauer Stiftung, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Donald F. Terry, a member of the staff of the Joint Economic Committee, to participate in a program in Ottawa and Montreal, Canada, sponsored by the Centre for Legislative Exchange, from July 7 to July 10, 1986.

The committee has determined that participation by Mr. Terry in the program in Canada, at the expense of the Centre for Legislative Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Messrs. Kenneth Brown and Joe Cobb, of the staff of the Joint Economic Committee, to participate in a program in Ottawa and Montreal, Canada, sponsored by the Centre for Legislative Exchange, from July 7 to July 10, 1986.

The committee has determined that participation by Messrs. Brown and Cobb in the program in Canada, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. H. James Towey, a member of the staff of Senator MARK O. HATFIELD, to participate in a program in Taipei, Taiwan, sponsored by the Sino-American Cultural and Economic Association, from July 2 to July 11, 1986.

The committee has determined that participation by Mr. Towey in the program in Taiwan, at the expense of the Sino-American Cultural and Economic Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Greg Van Tatenhove, of the staff of Senator MITCH MCCONNELL, to participate in a program in Taipei, Taiwan, sponsored by Tamkang University, from June 27 to July 6, 1986.

The committee has determined that participation by Mr. Tatenhove in the program in Taipei, Taiwan is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. John Starrels, of the staff of the Joint Economic Committee, to participate in a program in Brussels, sponsored by the Konrad Adenauer Stiftung and the Europaische Volkspartei [EVP], from June 30 to July 2, 1986.

The committee has determined that participation by Mr. Starrels in the program in Brussels, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. James Jatras, of the staff of the Republican Policy Committee, to participate in a program in Taipei, Taiwan, sponsored by the Sino-American Cultural and Economic Association, from July 2 to July 11, 1986.

The committee has determined that participation by Mr. Jatras in the program in Taiwan, is in the interest of the Senate and the United States.●

REMARKS OF FRANCIS C. TURNER COMMEMORATING THE 30th ANNIVERSARY OF THE INTERSTATE HIGHWAY SYSTEM

● Mr. SYMMS. Mr. President, just a few weeks ago, on June 26, we celebrated National Interstate Day, commemorating the 30th anniversary of the Interstate Highway System. I made some remarks on the floor that day to call this important occasion to the attention of my colleagues.

In addition, The Road Information Program [TRIP] organized a press conference, including a birthday cake celebration, to mark this anniversary and honor the "father" of the Interstate System, President Dwight D. Eisenhower. Several Members and former Members of Congress and administration officials (including Senators STAFFORD, BURDICK, and myself; former Senators Randolph and Scott; Representative GLENN ANDERSON; Federal Highway Administrator Ray Barnhart and former Federal Highway Administrator Francis C. Turner) were present. The President's granddaughter, Susan Eisenhower, also attended the press conference on behalf of her family.

During the ceremony, Francis Turner made a brief speech outlining the history of the Interstate System as it was conceived in the mind of President Eisenhower during his tenure in the U.S. Army. I was impressed with Mr. Turner's thoughtful remarks and asked for a copy of his handwritten speech so that I could have it reprinted in the CONGRESSIONAL RECORD for the benefit of my colleagues. Mr. Turner has kindly sent a copy of his speech to my office, and I now ask that it be printed in the RECORD following my remarks.

I would note, Mr. President, that Mr. Turner refers to the unveiling of a commemorative sign to be placed at rest stops and welcome centers along the coast-to-coast Dwight D. Eisenhower Highway: Those signs will be manufactured by private sign manufacturing companies which are members of the American Traffic Safety Services Association. I want to take this opportunity to thank them for their valuable contribution to this worthy project.

The remarks follow:

REMARKS BY FRANCIS C. TURNER

(Following is a transcript of remarks made by Francis C. Turner, former Federal Highway Administrator, at the press conference commemorating the 30th Anniversary of the Interstate Highway System June 26, 1986.)

Following the close of WWI in 1918, the War Department (then a predecessor of our present Department of Defense) and the then Bureau of Public Roads (a predecessor of the present Federal Highway Administration) joined together in a study to lay out a national network of highways to provide defense mobility within our country. The result was depicted on a 1921 map as a connected network or roads bearing some resemblance to our current Interstate system maps. It was referred to as the Pershing Map.

In order to check out the tactical capability of this network, a field test was organized in which a military convoy of trucks, troops and necessary supplies would be moved from Washington, D.C. to San Francisco. The field commander of the Task Force was an Army Lt. Colonel named Dwight D. Eisenhower. After much difficulty and considerable local fanfare, the convoy finally arrived somewhat worn and depleted in San Francisco about 2½ months after departing from Washington, D.C.

Three decades later, Lt. Colonel Eisenhower had become the supreme commander of all U.S. military forces—with the rank of President of the United States. Colonel Eisenhower of the 1920's and his long transcontinental trek had laid the groundwork in his mind for the legislation he signed as President 30 years ago and which we are celebrating here this morning.

But, the 1956 legislative act was not just another authorization bill for a highway building program. It actually was two bills in one, joined together in the Congress by amending the highway Title I authorization bill to contain as title II its own financing bill. No other major public works program has ever been similarly legislated. It is a landmark bill in its fiscal provisions even more than as a highway authorization act and for this it doubly honors President Ike as its sponsor and originator. The current hassles about budget deficits and their effects cannot be related in any way to the Interstate system program which contains its own built-in financing and which by law cannot be used to create spending obligations in excess of its income—all derived from those who use the highways—and only from those users. Non-users do not pay any of the Federal dollar costs expended for the Federal-aid highway program.

We pay honor and respect this morning to our late President as "father"—perhaps more correctly—as "grandfather"—of the Interstate system, not only for the physical building of our Interstate system but for the integral fiscal structure which is its inseparable foundation.

To memorialize these actions, former Senator Hugh Scott of Pennsylvania, sponsored legislation in 1973 which designated Interstate 70 from Washington, D.C., to Denver, Interstate 25 from Denver to Cheyenne and Interstate 80 from Cheyenne to San Francisco—as the Dwight D. Eisenhower Highway.

Although the highway as so-designated by Congress, up until now, no official signage of the highway ever has been put in place.

To remedy this oversight and to properly recognize President Ike's role, TRIP (The Road Information Program) has developed a commemorative sign to be placed at rest stops and welcome centers along the coast-to-coast Dwight D. Eisenhower Highway. All expenses associated with development, installation and maintenance of the signs will be borne by the private sector. I join with Senator Scott in unveiling a replica of one of these commemorative signs.●

HAROLD K. "BUD" BURNS

● Mr. LEVIN. Mr. President, here in the Senate we spend most of our time debating grand designs or deciding basic strategy. That is, perhaps, how things have to be—but, in the process, we dare not forget that strategy is only made real through the tangible sacrifice of human beings and grand designs are only implemented through the guts and determination of individuals.

I was reminded of that a few weeks ago when I had the privilege of presenting a Bronze Star, earned over 40 years ago, to a man I am pround to call a constituent: Harold K. "Bud" Burns of Lansing, MI.

While the delay in making that award was unjustified, I am almost glad that Bud's award got lost somewhere in the haze of time and the maze of the military bureaucracy. Perhaps if that Bronze Star had been presented at the right time, its meaning might have been lost—it might have been just another award among many. But since 40 years past between his action and our official recognition, there was a curiosity factor operating. As a result, people may take the time to pay a little more attention to what Bud did and what it means. And we can adopt a unique perspective: We can look at both the heroic act of a young man in a war and the way that act helped create an older man at peace with his life and his times.

The outline of Bud's heroism is clear. He was one of those who were serving on the Bataan Peninsula and were ordered to surrender to the Japanese in April of 1942. After the surrender, Bud was forced to join what we now call the Bataan Death March. He managed to live through what killed so many of his comrades. And he lived through 2 years in a prison camp at Cabanatuan and another year at hard labor in a prison camp in Japan itself.

Liberated after the war ended, Bud returned home. He tried to become a horticulturist. He went to Michigan State University for a few years and opened a greenhouse in Missouri. But even while he was working with life—with growing and nurturing—the years he had spent in prison camps were taking their toll. Residual damage cost him the use of several fingers on each hand, and ultimately VA doctors had to conduct a series of partial amputations. Unable to tend to his plants, he sought a new job.

That search brought him back to Michigan where he found work—ironically enough—as an employee in the department of corrections. For 19 years, Bud Burns repeated his wartime experiences not as a prisoner this time, but as a guard and a counselor. Unlike the captors who beat him, unlike the system which starved him, Bud Burns used his position to do more than brutalize—he used it to try to humanize. As he has said,

"I'd been on the other side of the fence and I had a deeper realization of what they were facing.

Bud used his experiences to make a contribution to people. And I believe that we can use his experiences as well to come to some realizations about what it means to be a human being and an American citizen.

When I was presenting the Bronze Star to Bud, I read from a portion of a letter he wrote to his family. He wrote the letter during the fighting, before the surrender. He said:

There is no defeatism in camp. Everyone has adjusted himself to the situation and no matter the action taking place, everyone has a job to do and does it, calmy, ignoring that which does not concern him.

All of us have dug foxholes that offer some protection against enemy bombing and strafing. At night, the roar of our artillery sings us to sleep. It is a good sound. We know that Old Glory is still waving there.

Sometimes we have to dodge shrapnel. It sings through the air like a saw that is held taut and struck by a small hammer. But the foxholes are the thing and we find protection. Don't worry. There is no place I would rather be than right here.

When you read words like that, when you sense the suffering that Bud Burns went through, when you see the contributions that he has made—then you think about this country and I know that "there is no place I would rather be than right here."

Mr. President, I was proud to present Bud Burns with his Bronze Star and I proud to salute him—for what he is and what he stands for—here on the Senate floor.●

LONG QUAN'S ACHIEVEMENTS

● Mr. QUAYLE. Mr. President, I am pleased to bring to the attention of my colleagues a story of determination, hardwork, and achievement. Too often success stories are overshadowed by news about what's wrong with our country. This story highlights principles that make our Nation strong and our people proud.

I extend my warmest congratulations to Long Quan, a young man who recently graduated as valedictorian of his senior class and to Long's family, who in their adjustments to a new country, exemplify what's right about life in America.

I ask that the following correspondence be inserted in the RECORD.

The correspondence follows:

KRIEG DEVAULT
ALEXANDER & CAPEHART ATTORNEYS,
2800 INDIANA NATIONAL BANK TOWER,
ONE INDIANA SQUARE
Indianapolis, IN, June 2, 1986.

President RONALD REAGAN,
The White House
Washington, DC.

DEAR PRESIDENT REAGAN: With our nation's birthday just 4 weeks away, I thought you might be interested in a truly American success story. In July, 1975, shortly after the fall of South Vietnam, my wife and I sponsored a Vietnamese couple and their two children here in Indianapolis. When Mr. and Mrs. Quan and their 9 and 5 year old sons arrived, they spoke no English, and had only the shirts on their backs. We helped the Quans get settled, Mr. Quan found a job as a clerk, and the two boys enrolled in our public school system.

Last Wednesday night, we attended the graduation of the Quan's oldest son, Long, from North Central High School here in Indianapolis. He graduated as the valedictorian in his class of 800 students. Needless to say, we were as proud of Long as were his parents.

While Long's accomplishments in high school are extraordinary, his entire family has demonstrated that here in the United States hard work and perseverance can prevail over any adversity. Since 1975, Mr. Quan has maintained a full-time job with ever-increasing responsibility. At the same time, he has attended college at night, and recently earned his degree in accounting and passed the CPA exam.

Several years ago, Mr. Quan was able to purchase his own home. Mrs. Quan has operated a successful seamstress business from their home. Long's younger brother, Hai, is maintaining a straight A average in the 8th grade. In 1981, the Quans all became naturalized American citizens.

Too often here in America we highlight our problems and overlook our successes. The Quans are living proof that America is the land of opportunity. We should all be proud that we live in a country which nurtures the spirit of people like the Quans.

Very sincerely,

RANDOLPH P. WILSON.

DOREL CATARAMA

● Mr. SIMON. Mr. President, for some time now my good friend and colleague Senator DIXON and I have been working with Romanian officials to secure the release of Dorel Catarama from prison. We have brought the plight of this man and his family to the attention of our colleagues in the past.

On June 2, as part of President Ceaucescu's general amnesty, Dorel Catarama was released from prison. He is now living with his wife in their home in Bacau. They are seeking emigration to the United States to be rejoined with their family in Chicago.

I appreciate the efforts of the Romanian Government, our State Department, and Milton Rosenthal, a prominent businessman long involved in United States-Romanian trade. The release of Dorel Catarama is one indication that we can achieve greater understanding and success through cooperation in these matters.

It is my strong hope that we will continue in this direction and that Dorel Catarama and his wife will soon be granted the passports and emigration visas they so desperately desire. I have been assured by officials of the Romanian Government that Dorel and his wife will be granted emigration. Under these conditions, and as long as emigration restrictions continue to ease, I would be inclined to support the extension of most-favored-nation trading status for Romania.●

NAUM AND INNA MEIMAN: UNFORGOTTEN

● Mr. SIMON. Mr. President, since March 6, 1986 I have been making daily statements in the CONGRESSIONAL RECORD on behalf of my friends Naum and Inna Meiman. The Meimans are Soviet Jews who have repeatedly been denied permission to emigrate to Israel.

Soviet officials claim that because Naum was privy to state secrets they cannot let him leave. Naum finished his "classified" work 30 years ago. His calculations are now outdated and he has been isolated from the scientific community for years. Inna is seriously ill with cancer and desperately needs treatment only available in the West.

Many people have asked why I continue using such an unorthodox method of publicity. The answer is simple. When refuseniks are asked what we as Americans can do for them, they commonly answer, "Shout!" Silence was the fuel of the holocaust. We cannot repeat the mistake of silence. We must continue to make statements and write letters and make pleas. We cannot forget those who live behind the Iron Curtain.

I strongly encourage Soviet officials to allow the Meimans to emigrate.●

ORDERS FOR WEDNESDAY

RECESS UNTIL 11 A.M.

Mr. DOLE. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Wednesday, July 16, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

□ 1710

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Following the recognition of the two leaders under the standing order, I ask unanimous consent the following Senators be recognized for not to exceed 5 minutes each for special orders: Senators THURMOND, HAWKINS, HEINZ, CHAFEE—let me rearrange the order—Senators THURMOND, PROXMIRE, HAWKINS, DIXON, HEINZ, and CHAFEE.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I will be happy to yield.

Mr. BYRD. Would the distinguished majority leader mind including in the lineup of special orders a 15-minute order for Mr. PROXMIRE on tomorrow?

Mr. DOLE. There is no objection to that. In fact, he did discuss that earlier on the floor.

Mr. BYRD. I thank the majority leader.

Mr. DOLE. So all others will be 5; 15 for PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Following the special orders just identified, I ask unanimous consent there be a period for the transaction of routine morning business not to extend beyond 12 noon with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. At the conclusion of routine morning business, it will be the majority leader's intention to turn to H.R. 3113, Central Valley projects bill, under a possible time agreement. It is my understanding that one will be near some time agreement so we can dispose of that. And we will hopefully tomorrow turn to other legislative or executive items cleared for action. I have mentioned three: the Ireland/United Kingdom authorization, S. 2572; Ireland-United Kingdom extradition treaty as part of that—that is sort of part of a package—S. 2610, Philippine supplemental, and S. 2149, risk retention.

I would hope to be able to advise Members by noon tomorrow about how late we may be in on Friday. We are having difficulty, I must say, in getting anything generated at this point, but I would just say to my colleagues if we could dispose of a number of these minor matters by Thursday evening or maybe by noon on Friday, I certainly have no disposition to stay on Friday just to stay on Friday. So I would encourage my colleagues if they can help us reach time agreements or work out any problems they have and let us bring up these measures, then we can advise our colleagues who may have other plans for late Friday, Friday afternoon, Saturday and Sunday.

Mr. CRANSTON. Could I ask how late tomorrow is likely to be?

Mr. DOLE. I would not think too late. I am just looking at what we have, and if it were late, we might be able to work out some little opening there, a little window.

Mr. CRANSTON. I thank the leader.

REVISION OF ORDER OF RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, earlier I had indicated the rotation plan because I wanted Republican, Democratic, Republican, Democrat, but I understand Senators THURMOND, HAWKINS, HEINZ, and CHAFEE will all be speaking on the same issue, so if there is no objection, maybe they can follow one another.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have one other change. I ask unanimous consent that following the recognition of Senator THURMOND for 5 minutes, that there then be recognized for 15 minutes Senator PROXMIRE, to be followed by Senators HAWKINS, HEINZ, CHAFEE, and DIXON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for revising the order.

□ 1715

RECESS UNTIL 11 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until 11 a.m. tomorrow, Wednesday, July 16.

The motion was agreed to, and at 5:15 p.m. the Senate recessed until tomorrow, Wednesday, July 16, 1986, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 1986:

DEPARTMENT OF LABOR

Shirley Dennis, of Pennsylvania, to be Director of the Women's Bureau, Department of Labor, vice Lenora Cole-Alexander, resigned.

EXECUTIVE OFFICE OF THE PRESIDENT

Michael Mussa, of Illinois, to be a member of the Council of Economic Advisers, vice William Poole VII, resigned.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

E. Christian Kopff, of Colorado, to be a member of the National Council on the Humanities for a term expiring January 26, 1992, vice George Alexander Kennedy, term expired.

NATIONAL TRANSPORTATION SAFETY BOARD

James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board for a term of 2 years. (Reappointment.)

IN THE NAVY

The following-named lieutenants in the Staff Corps of the Navy for promotion to the permanent grade of lieutenant commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS (210X)

Abenstein, John P.
Ackermann, Richard J.
Agles, Deborah Ann
Allshouse, Michael Jame
Alt, Michael Gerard
Anderson, Clark A.
Anderson, Gary B.
Anderson, Russell Scott
Anderson, Sanders Woffo
Andrews, Kevin Paul
Apple, Bryan Stanley
Arcario, Thomas John
Ashburn, Richard Wayne
Assan, Patricia Agnes
Bailey, Dean Alan
Bailey, Wendy Ann
Bakalar, Nancy Lee
Bakalar, Richard Sheldo
Baker, David G.
Balsara, Zubin Nari
Barnes, Douglas Eugene
Barnes, Richard Lee
Barnette, David John
Baron, Audrey Hazel
Barr, Richard S.
Baxter, Donald Leslie J.
Behr, Christopher
Beliveau, Margaret
Bender, Jennifer Ann
Bermudez, Joseph Anthon
Beshany, Philip Bliss
Bigos, David
Bishop, Robert Joseph
Blackburn, Warren A.
Blackhart, Bruce Alan
Bock, Gerald
Bolton, Vincent Edward
Boswell, Bill Nelson
Brady, Charles E., Jr.
Bresaw, Lois June
Brown, David McDowell
Brown, John Francis
Bryan, Joe Paul
Buccambuso, Terry John
Buchman, Mark T.
Buckley, Steven Lance
Buker, John Landon
Burke, James Benjamin
Burks, Deland D.
Burns, John Kevin
Butler, Clinton J.
Buzhardt, Johnny Richar
Calleja, Gustavo Armand
Cambareri, Joseph
Campbell, Marc W.
Candler, Eric M.
Carlton, Steven McGuire
Carpenter, Bruce W.
Cave, Rodney K.
Chan, Simon Keeyip
Chaudhuri, Udit
Chester, William Lamar

Chinnock, Richard Edwin
Cicora, Ralph Allen
Clark, Bliss Watson
Clark, William B.
Cohen, Margaret Lynn
Collette, Cora Jane
Collins, Jeremiah John
Cone, Nancy Elizabeth
Conley, Laurence David
Connito, David J.
Connolly, John Patrick
Corse, William R.
Cottrell, Alfred Charle
Courtney, Michael Doyle
Crouse, Kevin Michel
Crowley, John W.
Cullom, Susan C.
Cunningham, Christopher
Cunningham, Dean Scott
Cupo, Leonard N.
Curtin, Timothy Joseph
Curtis, Michael Elliot
Danaher, Patrick Robert
Daniels, Deborah A.
Darcy, Teresa Ann
Davies, David E.
Davis, Charles B.
Davis, Cynthia Gail
Delacey, William A.
Delisi, Michael D.
Deloachbanta, Linda Jan
Demarco, James Kevin
Depner, Mary Anne
Dickson, David Perry
Dohm, John
Dubik, Michael Carlyle
Dubinsky, Diane Eve
Duckett, John Gerard
Dunham, Rodney
Dunseath, Rodney Alan
Durante, Laurence Josep
Easter, Wayne La Marne
Ebersole, Russell Edgar
Edelman, Martin Joseph
Edwards, Ernest L., Jr.
Edwards, Mark
Emerson, Maura Ann
Enright, Michael J.
Ertl, Janika Paul
Everett, John E.
Fawcett, Brian P.
Fazio, Gregory Paul
Feinberg, Gary M.
Findley, Michael Stan
Flax, Bruce Laurence
Ford, Michael Patrick
Ford, Michael Ray
Forte, William Jarvis
Fox, Stephen Douglas
Fuller, Nancy Sue
Gambon, Thomas Francis
Ganey, John Timothy
Gangloff, Janette
Gasser, Charles
Gerardi, Joseph Anthony
Gerardi, Sharon Nemeche
Gern, James Elliot
Gettys, Richard Henry J.
Gill, Christine Bozek
Givens, Jerry Samuel
Gloria, Stephen Brian
Gold, Steven R.
Grabowy, Marion Sophia
Graves, Robert Leland
Grier, Douglas Howard
Griffen, Daniel Leonard
Griffies, William Scott
Grubb, Larry K.
Guiffre, Debra Yvonne
Gunselman, Joseph Gerar
Haluszka, Mary M.
Haluszka, Oleh
Hansen, Dale E., Jr.
Hanson, Robert Kevin
Harlan, David M.
Harper, Donald Allen
Hartman, Mary E.
Hatcher, Charles Page
Havener, Allen Vere
Heil, John Randall
Higgins, Stanley Michael
Hiland, Dave
Himmelreich, Lester Leo
Hobson, Joseph
Hollander, William T.
Horry, Malcolm Holmes
Hudak, Gary Russell
Hudler, John G.
Hughes, John Thomas
Immerman, Katherine
Ingram, Laverne C.
Jagoda, Andy Sam
Jany, Richard Stephen
Jepsen, Stephen J.
Johnson, Leonard Alan
Jones, Clement K.
Juliano, Paul Joseph
Kaime, Elaine Melissa
Kallman, David Alan
Katan, Brian Schott
Kauffman, William M.
Kaweski, Susan
Kearns, Larien Douglas
Kelly, Brian John
Kerrigan, Frank Theodore
Kerrigan, Janet Marie
Kimelheim, Robert A.
Kistler, Aaron M.
Klemm, Michael Steven
Knight, James F.
Koeller, Kelly Karl
Kohm, Maryjane Thorpe
Kore, Michael A.
Kragel, Peter Jude
Kramer, Hal P.
Krouner, Andrew D.
Larkin, Timothy J.
Larocco, Anthony, Jr.
Lebar, Randi D.
Lee, Robert Hammill
Leicht, Craig Howard
Leitheiser, Gregory Jos
Lemons, Freddye M.
Leoni, Patrick A.
Leib, Thomas Francis
Lieberman, Joshua Mitch
Lineberry, Paul J.
Lockhart, Ricky
Lopez, Joseph I.
Love, Ralph Wayne
Lucey, Paul Daniel
Mackey, Kenneth Wayne
MacMahon, Francis R.
Macris, George Patrick
Maher, Daniel Patrick
Mancini, Pamela M.
Manus, Stephen Michael
Markey, Brian James
Marrocco, William Alexa
Martin, Franklin McLain
Martin, Fredrick Allan
Martin, Peter J.
Martin, Robert C.
Marty, Aileen M.
McClellan, David Scott
McGee, John Joseph
McGuyer, Curtis Austin
McKenna, Patrick Hayes
McMillan, David Lee
McNeely, Kevin W.
McQuillan, Patrick Mich
Meadows, Lora Kim
Mehl, John Kurt
Meisenberg, Barry Ross
Menard, Ralph G.
Meth, Bruce Michael
Milian, Nester Edwardo
Miller, David Owen
Miller, Gregory L.
Mitchell, Dale Robert
Mitchell, John Brewster
Mittauer, Mark William
Mole, Dale Michael
Mondschein, Joseph Fran
Monson, Steven Robert
Monson, Thurston, Olaf I.
Moore, Gregory Robert
Moore, Joseph Lee
Moreci, James Anthony
Morford, Michael C.
Morgan, Fredric Charles
Morin, Lee Miller Emile
Morissette, Jeffery Cle
Morra, Marcus Napoleone
Mosborg, David Alan
Mozzetti, Michael D.
Mullen, John Reagan
Munter, David William
Nakashima, James L.
Nemec, Richard Louis
Nepp, Mark Edward
Neuhauser, Andrew Phill
Newell, Donald Edward
Norvell, Jennifer Lynn
Nozicka, Charles Anthon
Olshaker, Robert Andrew
Olson, John Leroy
Oneill, John Francis
Orr, Brian Gerrard
Ove, Peter N.
Parfitt, Richard C.
Pecsok, James Louis
Pennington, Cathryn Rub
Perciballi, John Angelo
Perkins, Terry R.
Petty, Robert H.
Pindiak, Steven James
Pingrey, Gary Richard
Porter, Henry Olin, III.
Potts, James Michael
Pray, Clyde William, Jr.
Prior, Charles Anthony
Pyeatt, John Dudley, III
Raspa, Robert Franklin
Reed, William Homer
Reilly, Thomas Joseph
Renken, Ralph William
Ricciardi, Michael Thom
Richardson, George Fred
Ringler, Robert Lloyd J.
Robben, Christopher P.
Roberts, Lawrence Henry
Rodelsperger, George Ed
Ross, Marla
Roure, Angel Rafael
Rucker, Elleston Craig
Rupert, Angus Harrison
Rushing, Elisabeth Jane
Russel, Timothy Joseph
Salmon, Richard Francis
Sanborn, Richard Collin
Sansing, Mary Tinsely
Sayers, Michael Eugene
Schor, Kenneth Wilson
Schraml, Frank Vernon
Schwartz, Paul Eric
Seago, Randall E.
Seibert, Louis E.
Sentell, John William
Seymore, Russell Jeffre
Shadle, Eric Wayne
Sheridan, Mark Vincent
Shingler, John Monroe
Siebenaler, Jean Anne
Skeen, Mark Brian
Small, William Curtis
Smith, Bradley Paul
Soika, Christopher W.
Southerland, David Grah
Sovich, Steven Michael
Spaulding, Richard P.
Staehr, Patricia Ann

Steele, Carl Edward
Sugihare, Corine S.
Summa, Richard Alan
Sundermann, John Morgan
Swajkoski, Alan Robert
Ternes, John Phillip
Thomas, Hugh Wesley
Tidwell, James Llewelly
Tobin, Michael Lawrence
Torkildson, Joseph Char
Torp, Vera Anne
Travers, John D.
Tudor, Gene G.
Turton, David Bryan
Vazquez, Emilio de Jesu
Vespe, John Robert
Vincent, Robert D., Jr.
Walker, Erik Charles
Wall, John D.
Walsh, Daniel Patrick
Watkins, Walter Frederi
Watson, Murrah Lenton J.
Weimer, Carl E.
Weimerskirch, Peter John
Weiner, Richard A.
Weiss, Walter Ralph
Welch, Michael Dee
Wentzel, David Christie
Westbrook, Thomas G.
Wetmore, Karen Elaine
Wheeler, William Walter
Wilcox David William
Williams, Ronald James
Wilson Clay S.
Wilson, Gary J.
Wilson Joseph Frederic
Winder, Mark Stephen
Wortham, Roger Lee
Youngblood, Patricia D.
Zebooker, Patricia Gerh

SUPPLY CORPS (310X)

Adams, Keith Thomas
Allen, Douglas J.
Anderson, Chesta Taylor
Anderson, Michael Jay
Annunziata, Kimberly Joy
Baker, James M.
Belcher, Bruce Robert
Bennett, George E.
Benton, Steven D.
Bernhardt, Karl Heinz
Boozer, George David
Boyd, Barry Blane
Brown, Larry Randolph
Brown, Martin J.
Burchill, Gary W.
Burleigh, Gerald Arthur
Butler, Richard Darrow
Calloway, Donald Roy
Cartwright, Howard, Jr.
Chapman, Gary Jon
Clements, Joe Donald, Jr.
Clift, Michael Steven
Cook, James Marcus
Cook, Raymond H.
Corderman, Gary W.
Cowart, James Steven
Culbertson, Matthew D.
Culbreath, Adrian Joseph
Dahl, Edward Arthur
David, Richard M., Jr.
Davison, Dexter Oneal
Deamer, Harry A.
Deets, Douglas Michael
Deschauer, Richard Michael
Devries, Henry John
Dittmeier, John S.
Donaldson, Morgan Leslie
Douglas, David S.
Downey, Daniel L.
Duffy, James Francis
Duncan, Charles Ray
Durso, James Dougherty
Endres, Joseph Robert
Feay, William F.
Fink, William M.
Fisher, Scott Ward
Franklin, Donald Eugene
Fuzy, Michael, III
Gauspohl, Robert William
Geis, Everett Lee
George, James R.
Glassman, Howard E.
Goeks, Greg J.
Grady, Thomas Michael
Grasso, Frank Rosario
Haima, John Oscar
Hale, Sharon Renee
Halloran, Michael David
Hammer, Roger Elliott, Jr.
Harnitchek, Mark David
Hart, Monte Risher
Hassler, Patrick W.
Hendrix, Kurt Thomas
Herning, George F.
Hester, David Lee
Heyen, Larry Ray
Hickinbotham, Michael W.
Hicky, John S.
Higgins, John Lawrence
Hoffman, Dennis Joseph
Hoffmann, Donald Bernard
Howard, Robert L.
Huff, Andrew Duane
Jackson, Michael Allen
Japalucci, Donald Jeffrey
Jensen, Ward Douglas
Kapsch, Michael Robert
Karnas, Henry Peter, Jr.
Kaso, John Joseph
Katz, Rebecca Adams
Kelly, Diane Christine
Klose, Keith Darwin
Knight, Robert L.
Kobi, James Stephen
Koenig, Stephen Lee
Konetski, Mark Leonard
Lake, Robert Hess, Jr.
Lambard, David Chrysogonus
Lamont, Chris Andrew
Levalley, James Michael
Lingo, Robert Scott
Lockwood, Linnae Molett
Lodge, Terry Craig
Luster, Harry Clarence
Lyden, Michael J.
Mackel, Andrew Goodwin
Maibaum, David W.
Mason, Robert NMN
Matens, Jeffrey Browning
Mathews, Dave Franklin
Maus, James Albert
McDonald, Charles David
McGaughey, Christina Beardsl
McGinnis, Richard Scott
McGowan, Allen William
McIlravy, Thomas Paul
McKenna, Richard Bruce
Messman, John Robert
Metts, Michael Joseph
Mikac, Joseph Stephen
Mitchell, George Kertz, Jr.
Mooney, John Edward
Moses, Robert L.
Newman, Marvin Dickson
Nielsen, Christ Robert, IV
Ober, Stephen Courtney
O'Brien, Thomas Frederick
Odom, Hart Salbide
Olson, Stephen Jeffry
Otto, Cindra Ella
Palenshus, David L.
Parsons, Robert Douglas
Pearson, James Andrew
Petty, Roger Ellsworth
Pine, Glenn Raymond
Potter, William Arthur
Powden, Michael Dennis
Presto, Anthony F.
Priest, Kevin Michael
Prince, Stephen Anthony
Pulver, Craig A.
Query, Michael F.
Quinn, William C.
Ratliff, William G.
Rauch, Douglas Louis
Recla, Kenneth John
Rhea, Russell H.
Richey, Paul Richard
Roark, Douglas S.
Rourke, Edward J.
Roy, Peggy Jo
Ryan, Daniel F.
Sanders, John Arley
Sanders, John Philip, Jr.
Sawyer, Timothy Gary
Schafer, Gerald Robert
Scheffs, Dale K.
Schill, William D.
Schonenberg, Todd Richard
Sherwood, Nicholas Lynn
Shockley, Danny Andrew
Short, William B.
Sillman, James Henry
Slough, Mary Lynn
Smith, Jane Reno
Speights, Richard Lenarrell
Spicer, William Harold
Stanovich, John Michael
Steffen, Thomas E.
Sterrett, Steven Craig
Stoshak, Ronald Leo
Stryker, Bruce William, Jr.
Sutter, Robert
Switzer, Charles Tobias
Tanks, Wendell Daniel
Taylor, Shaun K.
Thompson, Rodney M.
Thornton, Connie Lou
Toperoff, Lawrence Barry
Trowbridge, Jay R.
Tryon, Michael Patrick
Tucker, Curtis Heigh
Twigg, Jerrold Leon
Vause, Steven Michael
Warchal, Michael Anthony
Warmington, Jeffery Allen
Wenberg, Marvin Carl, II
Westfall, Gary Wayne
White, Kevin Lawrence
Wilkerson, Peter Francis
Williams, Robert Leon
Williams, Thomas Brooks
Woodcock, Charles John

CHAPLAIN CORPS (410X)

Allen, Allen Cagle
Bird, Stephen Alan
Botton, Kenneth Vance
Branscum, Dan Cecil
Brown, Michael O.
Brown, Norman Franklin
Brown, Robert Andrew
Burns, Robert James, Jr.
Burt, Robert Francis
Byrum, George Philip
Cadenhead, Julia Thamel
Danner, James Lasley
Diaz, John Louis
Elkin, Frederic Francis
Falkenthal, Thomas William
Feagle, Robert H.
Fosback, Chris Elmer
Griffin, Kenneth Lamar
Griffith, James Albert
Gubbins, John Manion
Gwudz, John Stanley
Hale, Robert Miles
Haynes, Michael Wayne
Hermann, Rory Michael
Holland, Earnest Warren, Jr.
Iasiello, Louis Vito

Jones, Alphonso
Kaul, John Leslie
Kirk, John E.
Knopp, Alfred Leo
Kreiensieck, Ronald Arthur
Leslie, Red Napoleon, Jr.
Liguori, Henry August
Lippincott, Marvin Harold
Lodge, Richard Andrew
Michener, Raymond William
Milewski, Robert Francis
Moore, Richard Kenneth
Murphy, Pleasant Lawrence, Jr.
Nixon Henry, Jr.
Nordhaus, Jeffrey John
Panitz, Jonathan A.
Powers, Richard M.
Prescott, William Clarke Edw
Quinn, John Thomas
Ramsey, Ira Eugene
Reed, David Dewayne
Ritter, Steven Carl
Rodriguez, Robert Joseph
Simons, Gary Galen
Sims, Timothy Calhoun
Stahl, Martin Russell
Starkey, David Alan
Swafford, Ronald Leonard, Sr.
Valko, Robert A.
Vanderbilt, David Stanley
Verner, Thomas Robert
Vukovich, Alex

CIVIL ENGINEER CORPS (510X)

Amarantides, John
Ball, John Lamson
Barker, Stephen Eugene
Brandt, John C., III
Buchanan, Gregory James
Claussen, Mark D.
Conaway, Michael Harold
Curnutt, Donald Duane
Davis, Robert Emmett
Desaulniers, Eugene Wilfred
Desilva, Kumar Gerard
Draper, John Daniel, Jr.
Eckert, Andrew Norman
Elvey, William M.
Eng, Edward
George, Roscoe D., III
Griffith, Andrew S.
Gunther, Gary W.
Hertwig, Ronald W.
Hill, Michael L.
Hinchman, Steven Brandt
Hoppe, William James
Hyde, Robert William
Kelm, Brian Robert
Laws, Larry A.
Lynn, Diann Karin
McClure, Robert Daniel
McMahon, Paul G.
McNutt, Thomas D.
Mengel, William M.
Merton, Robert Edwin
Migliore, Mark Peter
Mikula, Kevin E.
Mustain, Jennifer Lynn
Mustain, Roger S.
Obetts, Charles Joseph, Jr.
Pfannenstiel, Gary A.
Pfarrer, Mark Daniel
Phalon, Steven J.
Plockmeyer, Dennis Roger
Reddish, Harold J.
Samuels, Mark B.
Scanlan, Philip R.
Serafini, Lawrence George
Smith, Eric C.
Smith, Frederick Russel
Stirling, James S.
Strickland, Stanley R.
Syversen, Carl Eric
Verhofstadt, Albert Pol
Wall, Richard A.

JUDGE ADVOCATE GENERAL'S CORPS (250X)

Bengtson, Dennis Gordon
Clemmons, Byard Quigg
Cook, Loeva Jane
Crisalli, Donna Marie
Davenport, Teresa Joann
Devins, Thomas Albert J.
Edwards, Jonathan Phili
Evans, Richard Thomas
Hohenstein, James Howar
McCarthy, Julian D.
McPherson, James Edwin
Meade, Charles Allen
Newman, Melvin Douglas
Overby, Earl Franklin
Rouse, Harry V.
Russell, Jeffrey Richar
Sanders, Clayton R.
Stallings, Stephen Anth
Storz, William Thomas
Suszan, Michael Joel
Swartz, Marc Leonard
Talson, Steven M.
Wasilenko, Ronald Steph

DENTAL CORPS (220X)

Bailey, Stephen W.
Baker, Sharon Kay
Bald, Francis A.
Barnes, David George
Bigelow, Gilbert Ulysse
Black, Jay Allan
Black, Sherrie L.
Brown, Lyndon Bruce
Cade, Thomas Alan
Campbell, Jack Parker
Carroll, William Brent
Casiliobixler, Lanetta
Cherry, Carlton Dale
Denunzio, Mark Steven
DePaul, John Michael, Jr.
Dobyns, Michael L.
Erbland, Christopher Ro
Fox, Steven Charles
Garrett, Wanda Faye
Glynn, David William
Golden, William Glen
Haas, Stephen Beckley
Heffernan, James Gregor
Hetzer, Mark Thomas
Holt, James Gilbert
Huber, Michaell Andrew
Hudson, Thomas Clay
Imray, Scott William
Ingalls, Donald Lee
Jerome, Charles Edward
Keating, Gregory Vail
Keenan, James V.
Labberton, Wells Kurt
Leasure, Sara Lois Edwa
Lindauer, Paul Anthony
Ludwig, Leah Marie
McKeever, Bradley George
McMaster, Dana Robert
Melvin, Walter L.,
Mertz, Kenneth Alexander
Millarbrunhofer, Lorna
Mollenhour, William F.
Nelson, Elaine
Neupert Edward Anthony
Regan, Daniel Albert
Rhodenbaugh, Jeffrey D.
Robertson, Charles Leon
Rolf, Kurt Conrad
Royer, Marian Ann
Schwartz, Joel Lawrence
Smith, Thomas B.
Southard, Thomas Edward
Spencer, Craig Winsor
St Raymond, Albert H., II
Sturtz, Barbara Ann
Sturtz, David Hael
Thaler, John Joseph
Toomey, Kevin Francis
Turner, Blake Hobart
Vandercreek, John Arthur
Webb, Paul Elwood
Webb, Randall Edwin
Welbourn, Barton Reid
Wiemann, Alfred Hanniba
Wiggin, Thomas Hollis
Winegard, Elaine Ruth
Wray, Roger Dale
Yardumian, Robert Perry
Young, Samuel

MEDICAL SERVICE CORPS (230X)

Acklin, Robert Allen, Jr.
Astrachan, Stephen Mitc
Benjamin, Justus, Jr.
Boenecke, Clayton A.
Brammer, Gregory
Brooks, Marcel William
Brophy, Michael Andrew
Burden, Thomas William
Burdess, Richard L.
Butner, Glen Arthur
Crisman, Ronald Paul
Croxton, Joel David
Curley, Ronald Douglas
Deaton, John Earl
Deliz, Donald Edward, Sr.
Denzer, Patricia Marie
Dilorenzomcgarr, Cynthi
Edwards, Roger Dean
Farrand, David Everett
Feith, Steven Joseph
Fletcher, Richard James
Glennie, David Lee
Godwin, Rufus Eugene
Goff, Billie Gayle
Guido, Anthony Robert
Hannah, Ken Even
Hassan, Lynn Carol
Heller, Randal George
Hilton, Thomas Frederic
Kelleher, Dennis Lucas
Kennedy, David Lawrence
Kersbergen, John Judson
Lacy, Nathan
Little, Thomas C., J.
McDonough, James Connol
McGinnis, James A.
McLester, Robert Gibson
Monroy, Rodney Lynn
Murphy, Barry Arthur
Music, Christian Gerhar
Newacheck, James Scott
Nolen, Leslie C., Jr.
Paoloni, Claude Barry
Pattison, Michael Duane
Pettebone, Stephen Char
Pickerel, Carol Ann
Puksta, Charles Peter J.
Quillen, William Sanfor
Reibling, John Shinners
Robertson, Daniel Leroy
Roth, Faye Ann
Salmond, Lynda Ann
Sandoval, Paul Ralph
Scarborough, Danny Roy
Schuyler, Christopher L.
Sebbio, Anthony August
Siegel, Brian S.
Snyder, Daniel James
Souza, Joseph Ernest
Stevenson, Hugh Robert
Sullivan, Robert Walter
Tedeschi, Robert J.
Titi, Richard J.
Vesper, Bruce Eugene
Wax, James Paul
Welter, Patrick John
Wilkens, Robert Charles
Williams, Richard Waldo
Williamson, Donald Jame
Younger, Larry Leroy

NURSE CORPS (290X)

Allushuski, Patricia M.

Baker, Susan Catherine
Banks, James William, Jr.
Barnes, Wendy Lea
Bashford, Jeffrey Arthu
Brennan, Rama Francine
Burnett, Bruce Lee
Butler, Regina Claire
Camosy, Dennis Dominic
Campbell, Vernon George
Carley, Jerry Ray
Conte, Mary Margaret
Coulapides, Debora Ann
Coyle, Cynthia Ann Silv
Denny, Michael Patrick
Donaldson, Wayne Morris
Doyle, Karen Anne
Dresher, Joyce Earlene
Dube, Joan Faye
Elliott, Karen Gulledge
Flippo, Michael Kent
Foeste, Shari Ann
Foster, Raymond John
Gardner, Steven Douglas
Guthridgelind, Debra Da
Hearin, Linda Gwen
Hill, Nancy Lea
Horn, Peter Thomas
Hulet, Ken Francis
Janikowski, Debra Lee
Jones, Hilda R.
Jordan, Kathy Ann
Killman, Judith Ann
Lake, Nancy Gwendolyn
Lawson, Wallace Edgar
Littrell, Susan Mae
MacMurray, Joanne Marie
Mahsman, Susan Diana
McCleary, Myron Lynn
McCosh, Carolyn Bishop
McGrath, Mary Cecilia
Meredith, Juanita V. C.
Meyer, Kort Joseph
Moos, Magdalene Ann
Mulligan, Anne Marie
Nowicki, Mark Richard
Nunns, William Thomas
Piwowarczyk, Susan Anne
Reinke, Jolee Mary
Robinson, Martin Mikell
Romine, Carol Anne
Rossa, Peter Paul, IV
Rowett, Stephen Leonard
Savage, Shelley Ann
Skupski, Francis Ruth
Slagle, Lowell Elwood J.
Smith, Janet Ann
Spaid, Cynthia Louise
States, Marilin Barbara
Storms, John Munson, Jr.
Stringer, Thomas Jeffer
Sutton, Donald Lamar
Tanner, Pamela Kay
Terrell, Isaac
Thurber, Jean Ann
Tierney, Raymond Franci
Tillman, Harry John
Trowbridge, Marvin Dale
Twomey, John Gerard, Jr.
Ulaszek, Deborah Lynn
Vansickle, Bruce Howard
Vega, Eli Samuel
Weader, Steven Harry
Wilson, Blane Morgan

LIMITED DUTY OFFICER (SUPPLY) (651X)

Alligood, Clifford James
Bates, John William
Cannon, Hammond G., Jr.
Christopher, John Jeff, Jr.
Frontiero, Anthony Peter
Giusti, Richard Francis
Gozum, Rogelio Torres
Hollis, Roy Allen, Jr.
Holstein, Augustine Charles
Klump, Paul Lucas
Lane, Aubrey Eugene
Moreno, Mariano O., Jr.
Pigeon, Roger Emile
Sulzer, Thomas Gene
Travis, Glen Alvin

LIMITED DUTY OFFICER (CIVIL ENGINEER CORPS) (653X)

Haefner, Wayne David
Jones, Hubert S.
Salling, Elmer Chriss
Zoeli, Nicholas Francis, Jr.

CONFIRMATION

Executive nomination confirmed by the Senate July 15, 1986:

CONSUMER PRODUCT SAFETY COMMISSION

Terrence M. Scanlon, of the District of Columbia, to be Chairman of the Consumer Product Safety Commission.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, July 15, 1986*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for the wonders of Your creation and the bountiful gifts which are our heritage. Our land has been blest with great resources which have been given to us for our use. Cause us, O gracious God, to be thankful for all Your gifts, and to use our resources in ways that benefit our generation and those to follow. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 442

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John P. East, a Senator from the State of North Carolina.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1965) "An act to reauthorize and revise the Higher Education Act of 1965, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. STAFFORD, Mr. QUAYLE, Mr. WEICKER, Mr. WALLOP, Mr. THURMOND, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. MATSUNAGA, and Mr. SIMON, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3358. An act to reauthorize the Atlantic Striped Bass Conservation Act, and for other purposes.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

STEVEN McKENNA

The Clerk called the bill (H.R. 1598) for the relief of Steven McKenna.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

REPORT ON H.R. 5161, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1987

Mr. SMITH of Iowa, from the Committee on Appropriations, submitted a privileged report (Rept. No. 99-669) on the bill (H.R. 5161) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1987, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. REGULA reserved all points of order on the bill.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. JOHN P. EAST, SENATOR FROM THE STATE OF NORTH CAROLINA

Mr. HEFNER. Mr. Speaker, I offer a privileged resolution (H. Res. 491) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 491

Resolved, That the House has heard with profound sorrow of the death of the Honorable John P. East, a Senator from the State of North Carolina.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON H.R. 5162, ENERGY AND WATER DEVELOPMENT APPROPRIATION BILL, 1987

Mr. BEVILL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 99-670) on the bill (H.R. 5162) making appropriations for energy and water development for the fiscal year ending September 30, 1987, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MYERS of Indiana reserved all points of order on the bill.

PERMISSION FOR SUBCOMMITTEE ON ELECTIONS OF COMMITTEE ON HOUSE ADMINISTRATION TO SIT ON TOMORROW, JULY 16, 1986, DURING 5-MINUTE RULE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Elections be permitted to meet to consider markup of H.R. 4393, (the Uniformed and Overseas Citizens Absentee Voting Act) during proceedings under the 5-minute rule tomorrow, July 16, 1986.

Mr. Speaker, this has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. MONSON. Mr. Speaker, reserving the right to object, I would like to inquire as to whether or not this has been cleared with the minority.

Mr. SWIFT. Mr. Speaker, if the gentleman would yield, this has been cleared with the ranking minority member of the subcommittee.

Mr. MONSON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

JONATHAN BINGHAM

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, I regret to inform the Members of the House that on July 3, our distinguished former colleague and friend, Jonathan Bingham, died of pneumonia and its complications at Columbia Presbyterian Hospital in New York City. He was 71 years old at the time of his death.

I know that his loss is felt deeply by all of us in Congress, for what Jack

brought to this House during his 18 years of service are qualities which we all seek to attain: Ability, integrity, and wisdom. As a member of the Foreign Affairs and Interior Committees, he was respected for all of those qualities. His was a voice of reason and rationality during an uncertain and tumultuous period in this House and this Nation.

Jack is survived by one who also is a friend to many of us, his wife, the former June Rossbach, three daughters, Sherrell B. Downes, Micki B. Esselstyn, and Gurunam Kaur Khalsa; 1 son, Timothy W. Bingham; 5 brothers and 10 grandchildren.

Jack was instrumental in the passage of the War Powers Act of 1973, which placed limits on a President's power to commit U.S. forces overseas in situations where they might become involved in hostilities. He was an original sponsor in support of an immediate bilateral nuclear freeze and he wrote and sponsored comprehensive legislation, the Nuclear Non-Proliferation Act of 1978, which placed strict control on nuclear exports.

He was one of the main forces behind congressional rule changes in 1974 which reformed the congressional seniority system, providing for more democracy in the choice of committee chairmen and apportioning more power to subcommittee chairmen. And, in 1980, he opposed restoration of military aid to what he considered a rightwing dictatorship under Ferdinand Marcos in the Philippines.

It was a special honor, Mr. Speaker, to be a friend of Jack Bingham, and it was a privilege serving with him in the House of Representatives.

His concern for humanity and his commitment to America's ideals were not retired when he left Congress. Many of us in the House looked to him for leadership on a broad range of issues, but most importantly on matters relating to nuclear proliferation and arms control. He served his district and his Nation magnificently. We will truly miss him.

I would like to invite my colleagues to join Congressman SAM STRATTON and me in participating in a special order memorializing Jack Bingham at the close of business tomorrow, Wednesday, July 16.

□ 1210

THE DEFICIT: LET'S BE REALISTIC

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, we are engaged in a war against the budget deficit, and right now the deficit is winning. Our biggest weapons, Gramm-Rudman, has been disarmed by the Supreme Court, and every day it appears more likely that the 1987 deficit will exceed our budget target. This is bad news for all people concerned about America's future.

If there were a plan to balance our budget fairly, equitably, and effectively, would you be interested? The reason I ask that question is because there is such a plan.

Last year, I introduced legislation establishing a 15-member Bipartisan Commission on Deficit Reduction. I urge my colleagues to consider this option. It is time to throw partisan politics out the window and seek a true consensus on long-term deficit reduction.

The bipartisan commission approach has worked before. It provided the consensus that was needed to provide a long-term solution to the Social Security funding crisis, and the crisis we face today is just as serious.

Let's give bipartisanship a chance. Support my legislation to establish a deficit reduction commission. It may be the only game here on Capitol Hill that can work.

FEDERAL EQUAL EMPLOYMENT OPPORTUNITY REPORTING REQUIREMENTS

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, today with my colleague from California [Mr. HAWKINS] and my colleague from Illinois [Mrs. COLLINS] and 34 others, I am introducing legislation giving the EEOC enforcement power to collect Federal agency affirmative action plans.

Basically, this legislation corrects a congressional omission in the 1972 reorganization. First it codifies the existing management directive 707, issued by this administration in 1981, which outlines equal employment opportunity requirements for Federal agencies. Second, it gives the EEOC the previously omitted enforcement power to collect these reports. The bill does not require Federal agencies to do anything that they are not already doing. However, this legislation is in response to the fact that several agencies have refused to comply.

These noncomplying agencies based their argument on the question of legality of affirmative action. However, just this month, the Supreme Court in two decisions, approved the legality of these plans to offset previous discrimination.

This legislation is simple, direct, and has bipartisan support. I hope to see it move through Congress quickly so that another year does not go by in which Federal agencies continue to thumb their noses at equal employment opportunity. We require Federal contractors to submit similar plans and we should not exempt the Federal Government from the same equal employment requirements.

THE J-CURVE REFUSES TO TURN UPWARD

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, our trade deficit dipped deeper in the red, reaching $14.2 billion, during the month of May. To add insult to injury, the world's greatest exporter of agricultural products was forced to chalk up the first deficit in farm trade in 20 years. The architects of the weak dollar, who believe in the surplus-creating magic of currency debasement, are baffled.

The policy of deliberately debasing the dollar is not only immoral, but also counterproductive as it crosses the wires at the traffic lights. During a period of prolonged debasement, exporters slow down the repatriation of their foreign earnings and importers rush out to import all they can, because they aren't foolish enough to hold the depreciating dollar if they can hold something more stable in value. So much for the short-term effects of debasement. As for the long-term effects, the country has to give up more exports to pay for the same amount of imports than before devaluation. The terms of trade deteriorates. The country becomes less efficient as a trading nation, not more efficient.

The alleged benefits of a weak dollar exist only in the imagination of economic illiterates. There is no substitute for a stable currency.

REMOVAL OF NAME OF MEMBER A COSPONSOR OF H.R. 5140

Mr. FRANK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5140.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

GENERAL AVIATION TORT REFORM ACT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, we have got to do something about the liability insurance crisis. The small aircraft industry is the latest casualty. Insurance costs now contribute an average of $70,000 to the cost of manufacturing a private airplane in America, which exceeds the selling price of some basic models. As a consequence, domestic production plummeted from over 17,000 aircraft in 1979 to 2,000 last

year, resulting in the export of American jobs.

A membership survey by the Oshkosh-based Experimental Aircraft Association, the leading consumers' group of airplane owners, found serious concern that the liability crisis is driving up the cost and reducing the availability of aircraft products. Improvements, including those enhancing safety, are being held back.

Even the EAA's annual fly-in, America's premiere airshow, is jeopardized by its skyrocketing insurance costs, which rose 300 percent last year. To help alleviate this situation, I am cosponsoring the General Aviation Tort Reform Act. I urge the Judiciary Committee to move promptly on this measure.

GONE WITH SMOKE AND MIRRORS

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, one of the lessons in the budget process that seems to have to be learned over and over again is that you cannot reduce deficits by smoke and mirrors. Administration after administration continues to engage in the oldest smoke screen of all—which is that if your projections are optimistic enough, that somehow deficits can disappear.

Yesterday, the smoke again cleared as it must, and the games again stopped as they must. OMB Director Miller indicated that the budget deficit that we are facing is the largest in the history of the Nation: $220 billion for 1986 and the likelihood of excessive deficit in 1987.

The administration and to some extent the Congress as well as the American people were living under the false hope that a combination of Gramm-Rudman and optimistic forecasts would do away with deficits.

The reality is that they will not, and that deficits are out of control. The question is whether the President is willing to face those facts and make the tough decisions, or whether the Nation is in for more games and inevitably higher deficits.

RECOGNIZING NAVY CAPTAINS SEAQUIST AND MORIARTY FOR THEIR PART IN THE SUCCESS OF THE STATUE OF LIBERTY CELEBRATION

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, I would like to take this opportunity to recognize two previously unsung heroes of the Statue of Liberty Centennial Celebration and Operation Sail. They are U.S. Navy Capt. Larry Seaquist, commander of the battleship *Iowa*, and Navy Capt. J.A. Moriarty, commander of the aircraft carrier *John F. Kennedy*.

These fine officers had the awesome responsibility of overseeing the operations of their two enormous observation vessels during the July 4 ceremonies in New York Harbor. In addition to the thousands of crew members normally manning these vessels, Captains Seaquist and Moriarty were also responsible for the safety and comfort of thousands of visiting land-lubbers, including the President and Mrs. Reagan. They carried out their duties with military precision and unflagging courtesy, under the watchful eyes of television cameras and amidst thousands of smaller vessels. They deserve a healthy share of the credit for the triumphant success of the Statue of Liberty celebration. I hope that these sentiments will accompany the captains and their crews as they return to their vital duties in defense of democracy.

RETAIN CURRENT LAW FOR IRA'S

(Mr. WORTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WORTLEY. Mr. Speaker, the most successful social policy initiatives undertaken by the Federal Government are those that help people help themselves. This is the concept behind individual retirement accounts [IRA's], and I urge my colleagues to not abandon IRA's under tax reform legislation.

With the recent passage of the Senate tax bill and its provisions restricting IRA's, now is the time for House Members to voice strong support for the full IRA deduction for all taxpayers. Mr. Speaker, the IRA deduction requires no new bureaucracy or complicated recordkeeping, yet it is an extremely popular and cost-effective way to encourage people to provide savings for later in life. In addition, IRA's create a sizable pool of money that can be tapped for loans or investments by consumers and businesses alike.

I am aware that under the lower tax rates of the Senate bill, taxpayers will not need as many deductions to offset taxes. But the IRA is a special tax deduction that has been utilized by people at many different income levels. Personal savings—which have been historically low in this country—should be encouraged, particularly savings that will be used to cover the expenses of growing old. The IRA deduction is an important incentive for people to plan for their long-term needs and it should be preserved for all taxpayers, even those who are covered by a private pension plan. It is important to realize that pension plans vary from business to business, and even the most generous plans need to be supplemented with additional income. And I believe IRA's will help ease the financial burden that our Government faces because of the increasing elderly population.

But perhaps the most convincing argument I can offer my colleagues is that the American people want IRA's left unchanged. My constituents have responded decisively and overwhelmingly, as I am sure many of yours have also. We should listen and act accordingly.

□ 1220

AMENDING THE HIGHWAY BEAUTIFICATION ACT

(Mrs. SCHNEIDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHNEIDER. Mr. Speaker, recently a number of colleagues and I introduced H.R. 5043, which would amend the Highway Beautification Act of 1965. Unfortunately, the Highway Beautification Act has become more loophole than law over the years. We have reached a situation where under the law it has become far easier to put up billboards than it is to have them taken down. The 1965 act was intended to preserve the beauty of our scenic landscapes by forcing the removal of nonconforming billboards along our Federal highways. Instead, the last 20 years have seen an explosion in the number and size of highway signs.

It is time to close these loopholes. I ask my colleagues to join with us, and an increasing number of States and communities across the Nation, in banning new billboards along Federal highways. This move makes good business sense. Not surprisingly, industry, new residents, and tourists are attracted or repelled by a community's appearance.

Equally important, this legislation will end the present practice of requiring an appropriation of Congress to pay for the removal of nonconforming billboards. This requirement has put us in the position of forcing the American taxpayers to pay the highway polluters to stop polluting. This is hardly fair. We could save the taxpayers upward of a billion dollars if this bill is passed, and billboard owners are once more allowed to amortize the cost of removal rather than receive a cash payment from the Federal Government. I think my colleagues will agree that in these times of fiscal austerity this money could be put to better use. I urge my colleagues to take a careful look at H.R. 5043, and I welcome your cosponsorship.

PRESIDENT ASSAD'S PROMISE TO THE AMERICAN PEOPLE: GOOD NEWS, VERY SOON

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, on June 30, I had the opportunity to meet with the President of Syria, President Assad. I carried a letter to him signed by 250 of us here in the House of Representatives asking that he use his good offices in the humanitarian gesture to accomplish two things: one, to seek the freedom of our five Americans still held hostage somewhere in the area of Beirut, Lebanon, and also to relieve the psychological torture on the sons, the daughters, the wives, the husbands, the brothers, sisters and all family members and loved ones of these American citizens, to plead with their kidnapers that the hostages be allowed to communicate with those on the outside.

There has been no word from their cellars or dungeons where they are held since December 8, when they wrote to Congressman GEORGE O'BRIEN and myself, wrote to their loved ones and the President of the United States.

I think President Assad's graciousness in seeing me without any prior appointment, his expressions of concern about the humanitarian aspects were sincere. I hope they were sincere. I truly believe they were. He said that he would be only too happy to receive some of the relatives and any Congressmen if the months pass and there has been no further breakthrough in this tragic hostage crisis.

I look forward myself personally to the fulfillment of what he promised the American people, and that was good news very soon.

NO MORE GAMESMANSHIP

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, a few moments ago the gentleman from California raised the concerns about the deficit that we all share, and he raised concerns about the fact that the smoke and mirrors have covered up the deficit problems and in fact we have played too many games with the budget process. And he then aimed most of his fire at the administration.

I would hope that we will get serious about the deficit problem in this body as well. We are about to embark upon the appropriations process. One of the problems has been over the years that the appropriations bills have not followed the budget process. We are seeing instances, for instance, with agriculture appropriations where the Food Stamp Program is only funded for a 9-month period.

It is my concern that when we go through the appropriations process this year that we assure ourselves that we are not engaging in smoke and mirrors and we are not doing the game playing.

I would hope that, as we proceed with the appropriations over the next couple of weeks, that we, too, will look at the deficit and get concerned and do something about lowering it.

AUTHORIZING DISTRIBUTION OF THE USIA FILM ENTITLED "THE MARCH"

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4985) to authorize the distribution within the United States of the USIA film entitled "The March."

The Clerk read as follows:

H.R. 4985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM ENTITLED "THE MARCH".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "The March"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall reimburse the Director for any expenses of the Agency in making that master copy available, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing in the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida [Mr. MICA] will be recognized for 20 minutes and the gentlewoman from Maine [Ms. SNOWE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in favor of H.R. 4985, a bill to provide for the release of a U.S. Information Agency film entitled "The March."

Under current law, the USIA is prohibited from releasing certain of its program materials to the American public. However, such films may be released with congressional approval if the films are determined to be of historical or cultural value. The Congress has provided for the domestic release of a number of these materials in the past.

This film is a documentary of the historic march on Washington in August 1963. It has been viewed by the committee staff, and has been approved by the Committee on Foreign Affairs. The film resembles a newsreel showing the chronology of events surrounding the march. I hope the House will move to make this film available to the American public.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the dispatch with which the committee has acted.

There is some urgency here because this request came to me from a filmmaking group, people who were doing a documentary for the Public Broadcasting System. They have a production deadline. So I am particularly appreciative.

The other body has already adopted a version of this bill. I think we can work it out.

I should say for those who are concerned about precedential effect, the intention of the film makers in this case is simply to use some of the footage without the narration from the film in question. That is, this is not going to be a case where the intention is to make a general showing. These particular people, and they will have the copyright problems to deal with themselves, this does not give them any other license that they would not otherwise have under the copyright provisions. But it would allow them to use apparently some very sensitive footage of the civil rights movement.

People anticipate that this is going to be a particularly interesting documentary. There is an interesting article about it in the New York Times in which the film makers mention that they think previous films have not done justice to the attitudes of white southerners or to black southerners in terms of the human effort that was made.

So I am very appreciative of the subcommittee doing this.

Again, as I say, the people who are worried about the precedential effect about films being used domestically, this is a case where there is very limited use being contemplated. None of the narration but apparently some of the unreproducible footage.

I am particularly grateful to the subcommittee for its expedition here.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICA. I would be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

The gentleman has just made an explanation here, and I think it is very useful for the House. But my reading of the bill is that the limitation would not be on usage just for the film that is being produced by this Massachusetts film-making company but, rather, it would permit this film to be shown in total by, for instance, the networks if they wanted to pick up on it or would allow the USIA to use it around the country so that it does represent a general usage of the film. Is that correct?

Mr. MICA. Yes, that is correct. Under the procedures established by the Congress, each time we release a film like this, it is turned over essentially to the Library of Congress, and any copying costs or any copyright charges assessed thereafter would go to whoever uses the film. This will be turned over, as I indicated, a 20-minute film, to PBS service that has requested it, via the Library of Congress. Once they have used it, anybody can use it. But each user would have to pay any copyright or any cost to the Government.

Mr. FRANK. Will the gentleman yield further to me?

Mr. MICA. I would be happy to yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

I appreciate the gentleman from Pennsylvania's position. That is what I meant to allude to when I said that the use contemplated under this permission is a more limited one. I am not aware of anyone planning to use it in general. The contemplated use that we know of and the request that was generated was for that limited purpose. But the gentleman is correct as to the intent of the bill, and I appreciate it.

Ms. SNOWE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no objection to passage of this bill. The film "The March" that would be released under this legislation is a fine example of the high quality films produced by USIA. The film does not editorialize, and it has very little narration. What the film does so well is let the reality of American popular democracy speak with its own voice.

This bill is necessary to release the flim "The March" for domestic viewing, due to the restrictions in law on the distribution of USIA materials within the United States. I understand that the PBS station in Boston has expressed an interest in using footage from the film in a documentary it is putting together. For this reason, I urge that we approve this bill so that the other body may also move expeditiously.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 4985.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENEAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CELEBRATION OF THE 100TH ANNIVERSARY OF THE STATUE OF LIBERTY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I had the privilege, with your help, to go to the Statue of Liberty celebration, the Fourth of July celebration, in—with eight other Members of the House, to represent the House of Representatives at that great day—in the New York Harbor.

As mentioned earlier by my colleague from New Jersey, I had the privilege of being on the U.S.S. *Kennedy,* the aircraft carrier, and I believe the captain of that ship, Mr. Speaker, is a constituent of yours from the Commonwealth of Massachusetts.

Mr. Speaker, that was a great event, to see the tall ships come by from the different countries, also the President of the United States passed in review on a ship as well as the President of France.

Later on that afternoon, we had to get off the U.S.S. *Kennedy* and go to the U.S.S. *Iowa* late that afternoon. That is one of our battleships that we have brought back into service, a total success, with the big 16-inch guns. We were on there, and there was a Marine retreat that night when the sun went down about 8:30. About 10 o'clock in the evening they had the fireworks display.

I really see more patriotism in our country than I have seen in a long time, I guess you would say World War II or after World War II. The people are very proud of our country.

However, Mr. Speaker, going with that patriotism there will have to be sacrifices made by our people in the future, small sacrifices, to continue having this great country that we live in.

I thank the Speaker for giving me the opportunity to be at the Statue of Liberty celebration on the Fourth of July.

Mr. Speaker, before relinquishing my time I would like to thank the adjutant general of New York, Major General Flynn and others New York guardsmen for helping myself and others to move from one area to another area during this great occasion.

LET'S SEND A MESSAGE HOME ABOUT THOSE DEADLY DRUGS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, for just a moment, as we return here today, when we left, Len Bias died of cocaine; while we were away, several other sports heroes were arrested; one died. It is an epidemic sweeping our Nation. I think that as we wrap up this session of Congress, we are each going to have to pay a special effort in each committee and every committee of jurisdiction to do all we can to send the messages home that we are going to do whatever it takes with regard to legislation to address this problem.

□ 1235

Finally, let me say that I understand one of the NFL football coaches made the statement 2 weeks ago saying that we need an education program, a real education program, from kindergarten to 12th grade, to really get the message across. I think that is an excellent idea. We may have to look at some ways to encourage true education—not just tokenism—true education, as to what cocaine, heroin, and narcotics are doing to this Nation.

PROVIDING FOR CONSIDERATION OF H.R. 4510, EXPORT-IMPORT BANK ACT AMENDMENTS OF 1986

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 472 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 472

Resolved, That any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4510) to amend the Export-Import Bank Act of 1945, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking

minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment under the five-minute rule, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 472 is an open rule providing for the consideration of H.R. 4510, the Export-Import Bank Act Amendments of 1986. The rule provides for 1 hour of general debate to be divided equally between the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs and makes in order an amendment in the nature of a substitute which is recommended by the Banking Committee and is now printed in the bill. The substitute shall be considered for amendment under the 5-minute rule and each section shall be considered as having been read.

All points of order against the committee substitute for failure to comply with clause 5(a) of rule XXI, that is the rule which prohibits appropriations in an authorization bill, are waived. This waiver is necessary because section 3 of the committee substitute gives the Export-Import Bank the authority to establish and collect fees for goods and services it provides in connection with furthering its goals and purposes. Section 3 further provides that the Bank may use the money that it collects to offset expenses. This use of proceeds constitutes an appropriation and a waiver of clause 5(a) of rule XXI is necessary.

Finally, Mr. Speaker, the rule provides for one motion to recommit, with or without instructions.

H.R. 4510 reauthorizes the Export-Import Bank for 2 years, through the end of fiscal year 1988. The bill also grants conditional authority to the Export-Import Bank to establish a new program entitled I-Match. If enacted, the I-Match Program would finance U.S. exports through a combination of loan guarantees and interest subsidy payments.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule has been ably explained. When the members of the Committee on Banking, Finance and Urban Affairs were before the Committee on Rules, both Democrats and Republicans requested an open rule and, for that reason, it is a good rule and we should adopt it.

I do not want to leave the impression with Members of the House that the measure is not controversial. It is. There will be some amendments offered which need to be debated thoroughly, and we should get down to the business of considering the measure on the House floor.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I take this time to ask the gentleman who has brought this rule to the floor a question on this waiver of clause 5(a) of rule XXI. As I understand it, that is, as the gentleman has ably explained, appropriations in an authorization bill.

Mr. WHEAT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. WHEAT. Mr. Speaker, the gentleman is correct.

Mr. WALKER. If I understand what we have waived here, the bank would be able to collect fees but they would not have to pass through the Treasury and, therefore, be subjected to our appropriations process if this rule is adopted and the bill were adopted with the language in it; is that correct?

Mr. WHEAT. I believe what the bill refers to is the fact that the bank could collect those fees the gentleman refers to and may then apply those fees for the direct expenses that are involved.

Mr. WALKER. If I understand the situation, if that waiver had not been granted and the bill were to have to excise that particular amount of money, those fees then would have to come to the Treasury and be subjected to our appropriations process; is that correct?

Mr. WHEAT. That is my understanding; yes.

Mr. WALKER. So we are in fact denying the Treasury the ability to collect the fees that are being generated from the Eximbank with the adoption of that language and the waiver in this rule; is that correct?

Mr. WHEAT. My understanding is that the adoption of this language will give the Export-Import Bank the opportunity to collect those fees and then expend them directly without having to have those fees be collected by the Treasury and then reappropriated for those expenses.

Mr. WALKER. My concern is what we are doing then is, we are taking away one of the control mechanisms from the Congress for activities of the Eximbank. It is a fairly minor point, but I just did want to clarify that in fact with this waiver, we are denying ourselves a chance at certain amounts of income for the Federal Government.

Mr. WHEAT. I would agree with the gentleman that we are giving the Export-Import Bank the opportunity to utilize a more expeditious precedure than the normal appropriations procedure. I would also agree with the gentleman that it is a relatively minor point.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all know that this helps American industry export products, but we also must keep in mind that it helps other countries to import into this country. It is kind of a two-bladed sword; however, this resolution is an open rule and we should pass it. I urge the adoption of the rule.

Mr. Speaker, I have no futher requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were yeas 365, nays 9, not voting 57, as follows:

[Roll No. 212]

YEAS—365

Akaka	Bartlett	Boehlert
Alexander	Barton	Boggs
Anderson	Bateman	Boland
Andrews	Bates	Bonker
Annunzio	Bedell	Bosco
Anthony	Beilenson	Boucher
Applegate	Bennett	Boulter
Archer	Bereuter	Boxer
Armey	Berman	Brooks
Atkins	Bevill	Broomfield
Badham	Bliley	Brown (CA)

Bruce	Hawkins	Morrison (WA)
Bryant	Hayes	Mrazek
Burton (CA)	Hefner	Murphy
Burton (IN)	Hendon	Murtha
Bustamante	Henry	Myers
Byron	Hertel	Natcher
Callahan	Hiler	Neal
Carper	Holt	Nelson
Carr	Hopkins	Nichols
Chandler	Horton	Nielson
Chapman	Howard	Nowak
Cheney	Hoyer	Oakar
Clay	Hubbard	Oberstar
Clinger	Huckaby	Obey
Coats	Hughes	Olin
Coble	Hunter	Ortiz
Coelho	Hutto	Owens
Coleman (MO)	Hyde	Oxley
Coleman (TX)	Ireland	Packard
Combest	Jacobs	Panetta
Conte	Jeffords	Parris
Cooper	Jenkins	Pashayan
Coughlin	Johnson	Pease
Courter	Jones (TN)	Penny
Coyne	Kanjorski	Pepper
Craig	Kaptur	Perkins
Crockett	Kasich	Petri
Daniel	Kastenmeier	Pickle
Dannemeyer	Kemp	Porter
Darden	Kennelly	Price
Daschle	Kildee	Pursell
DeLay	Kindness	Quillen
Dellums	Kleczka	Rahall
Derrick	Kolbe	Rangel
DeWine	Kolter	Regula
Dickinson	Kostmayer	Reid
Dicks	Kramer	Richardson
DioGuardi	LaFalce	Ridge
Dixon	Lagomarsino	Rinaldo
Donnelly	Lantos	Ritter
Dorgan (ND)	Latta	Roberts
Dornan (CA)	Leach (IA)	Robinson
Dowdy	Leath (TX)	Rodino
Dreier	Lehman (CA)	Roe
Duncan	Lehman (FL)	Roemer
Durbin	Lent	Rogers
Dwyer	Levin (MI)	Rose
Dyson	Levine (CA)	Rostenkowski
Early	Lewis (CA)	Roth
Eckart (OH)	Lewis (FL)	Roukema
Eckert (NY)	Lightfoot	Rowland (CT)
Edgar	Lipinski	Rowland (GA)
Edwards (CA)	Livingston	Roybal
Emerson	Lloyd	Rudd
English	Loeffler	Russo
Erdreich	Long	Sabo
Evans (IA)	Lott	Saxton
Evans (IL)	Lowery (CA)	Schaefer
Fascell	Lowry (WA)	Scheuer
Fawell	Lujan	Schneider
Fazio	Luken	Schroeder
Feighan	Lundine	Schuette
Fish	Lungren	Schulze
Flippo	MacKay	Schumer
Foglietta	Madigan	Seiberling
Foley	Manton	Sensenbrenner
Ford (MI)	Markey	Sharp
Ford (TN)	Martin (IL)	Shaw
Frank	Martin (NY)	Shelby
Frenzel	Mavroules	Shumway
Frost	Mazzoli	Shuster
Fuqua	McCain	Sikorski
Gallo	McCloskey	Siljander
Garcia	McCollum	Sisisky
Gaydos	McCurdy	Skeen
Gejdenson	McDade	Slattery
Gephardt	McGrath	Slaughter
Gibbons	McHugh	Smith (FL)
Gilman	McKernan	Smith (IA)
Gingrich	McKinney	Smith (NE)
Glickman	McMillan	Smith, Denny (OR)
Gonzalez	Meyers	Smith, Robert (OR)
Goodling	Mica	Snowe
Gordon	Michel	Snyder
Gradison	Mikulski	Solarz
Gray (IL)	Miller (OH)	Solomon
Green	Miller (WA)	Spence
Gregg	Mineta	Spratt
Guarini	Mitchell	St Germain
Gunderson	Moakley	Staggers
Hall (OH)	Molinari	Stallings
Hall, Ralph	Monson	Stangeland
Hamilton	Montgomery	Stark
Hammerschmidt	Moody	Stenholm
Hansen	Moorhead	Stokes
Hartnett	Morrison (CT)	Strang
Stratton	Traxler	Wilson
Studds	Udall	Wirth
Stump	Valentine	Wise
Sundquist	Vander Jagt	Wolf
Swift	Vento	Wolpe
Swindall	Visclosky	Wortley
Synar	Vucanovich	Wright
Tallon	Walgren	Wyden
Tauzin	Watkins	Wylie
Taylor	Waxman	Yates
Thomas (CA)	Weber	Yatron
Thomas (GA)	Weiss	Young (AK)
Torres	Wheat	Young (MO)
Towns	Whitley	Zschau
	Whitten	
	Williams	

NAYS—9

Bentley	Gekas	Walker
Brown (CO)	Mack	
Cobey	McEwen	
Crane	Smith, Robert (NH)	

NOT VOTING—57

Ackerman	de la Garza	Matsui
Aspin	Dingell	McCandless
AuCoin	Downey	Miller (CA)
Barnard	Dymally	Mollohan
Barnes	Edwards (OK)	Moore
Biaggi	Fiedler	O'Brien
Bilirakis	Fields	Ray
Boner (TN)	Florio	Savage
Bonior (MI)	Fowler	Skelton
Borski	Franklin	Smith (NJ)
Breaux	Gray (PA)	Sweeney
Campbell	Grotberg	Tauke
Carney	Hatcher	Torricelli
Chappell	Hillis	Traficant
Chappie	Jones (NC)	Volkmer
Collins	Jones (OK)	Weaver
Conyers	Leland	Whitehurst
Daub	Marlenee	Whittaker
Davis	Martinez	Young (FL)

□ 1255

Mr. BROWN of Colorado and Mr. McEWEN changed their votes from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 585

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 585.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1986

The SPEAKER pro tempore. Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the consideration of the bill, H.R. 4510.

IN THE COMMITTEE OF THE WHOLE

□ 1304

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4510) to amend the Export-Import Bank Act of 1945, and for other purposes, with Mr. BERMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from North Carolina [Mr. NEAL] will be recognized for 30 minutes and the gentleman from Iowa [Mr. LEACH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. NEAL].

□ 1305

Mr. NEAL. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of our Committee on Banking, Finance and Urban Affairs, the gentleman from Rhode Island [Mr. ST GERMAIN], for an opening statement.

Mr. ST GERMAIN. Mr. Chairman, I rise in strong support of H.R. 4510, a bill to extend the life of the Export-Import Bank of the United States.

The Eximbank plays an important role in helping American exporters compete against foreign suppliers who are receiving subsidized financing from their governments. Its insurance and guarantee programs enable smaller firms to sell overseas without having to risk the loss of the entire sale if the foreign buyer defaults—which is an ever-present danger in today's continuing international debt crisis.

In its 52-year history, the Export-Import Bank has supported more than $180 billion in U.S. exports. Last year, the Bank's insurance, guarantee, and lending programs backed nearly $10 billion in U.S. exports. That represents work over the year for a quarter of a million Americans. That in itself is reason enough for us to make sure that we give our full support to keeping the Eximbank and in business.

But having a strong, flexible Eximbank has never been more vital than now, with our Nation running up a balance of trade deficits in the magnitude of $150 billion a year.

Obviously, the Export-Import Bank isn't singlehandedly going to turn that deficit around for us. But the Bank does play a key role at the margin, helping American exporters maintain markets in sectors that have been targeted by our international competitors. Japan, France, Great Britain, and Canada and many other nations are subsidizing their exporters in critical markets such as power, telecommunications, and transportation.

This subsidization has recently taken on a new dimension in the form of mixed credits—the blending of traditional export credits with grants or low interest rate loans that have been earmarked for humanitarian and developmental purposes. The Eximbank

is playing a key role in U.S. efforts to tighten the rules on use of mixed credits for trade purposes by mounting a counterattack of its own. The Bank has made nearly $400 million in mixed credit offers targeted against those countries that are impeding negotiations. It has done this with the expectation that the grant element in those offers could ultimately be funded from a proposed $300 million war chest which the Banking Committee has approved in related legislation.

Another area in which Eximbank is providing an important support to America's export effort is in its programs to help small- and medium-sized businesses sell their goods and services overseas. Many of these are very high technology companies where America still holds a lead over our competitors. For example, Eximbank's Working Capital Guarantee Program enabled one United States company to win a $3.3 million contract in Egypt to supply the world's most advanced hydrological data collection system to improve irrigation along the Nile River. Data on water levels is transmitted to two computer-equipped master control stations by bouncing signals off ionized trails left by meteors entering the Earth's upper atmosphere.

Exim's programs designed to assist the smaller and medium-sized sales are particularly important to New England companies. The Bank has over $3 billion in authorizations outstanding to support New England exporters, and they're working with various State agencies to improve the information flow and cooperative efforts to stimulate more of this business not only from New England but all areas of the country.

Mr. Chairman, I urge enactment of H.R. 4510 so that Eximbank can get on with doing the critical job we have given it in supporting U.S. exports.

I would be remiss, Mr. Chairman, if I did not pay tribute to the chairman of the subcommittee, the gentleman from North Carolina [Mr. NEAL] for his efforts in this area. Although the gentleman and I on occasion have our differences, I must say that he has taken on this task and he has accomplished it with unusual skill and I feel with a good result; so I am hopeful that we will have the cooperation of the subcommittee chairman as we go through the amendatory process. Certainly I am hopeful that we can continue to rely upon the indomitable, the very effective, the very dedicated ranking minority member, the gentleman from Iowa [Mr. LEACH], for his continued cooperation here and I am hopeful that he will agree that we should support the bill as reported by the subcommittee, as well as the full Banking Commitee.

Mr. Chairman, again I urge support for H.R. 4510.

Mr. NEAL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is an extension of the life of the Export-Import Bank Act. As currently written, the Bank's authority to make export loans, contained in that act, expires on September 30 of this year. H.R. 4510 extends that authority for 2 years, until September 30, 1988.

The administration requested a 5-year extension, but the Banking Committee prefers a shorter period. Our oversight of Bank policy, and our ability to legislate policy changes, are considerably enhanced by shorter reauthorizations.

This bill is not an authorization for a specific level of funding. Under the Export-Import Bank Act, the Bank can make loans and issue guarantees in any fiscal year up to whatever ceilings are provided in appropriations acts. The authority to make loans is conveyed by the Eximbank Act, while the specific annual limitation is set each year in an appropriations bill.

H.R. 4510 does, however, contain a potentially important innovation in Eximbank financing. Last year the administration proposed a new program—called I-Match, or interest rate matching. Instead of making direct loans to finance exports, the Bank would, under I-Match, guarantee and subsidized loans made by private financial institutions. The subsidy payments would permit private lenders to finance exports on terms competitive with foreign official export credit, which generally carries below-market interest rates. The financing offered the foreign purchaser of American exports would be the same, under I-Match, as under the Bank's Direct Loan Program. I-Match would change only the method of financing, not the amount or competitiveness of the financial package being offered in support of American exports.

The driving force behind I-Match proposal has always been budgetary. The administration claimed that I-Match would reduce the budget deficit, since an Eximbank direct loan is on-budget, while the same loan made by a private institution is off-budget, even though guaranteed by the Bank. The subsidy payment to the private lending institution would, of course, be fully on-budget, but that payment is a small fraction of the principal amount of the loan. If the Bank makes the loan, the full amount is carried on-budget as an outlay. if it guarantees and subsidizes a private loan, of the same amount and for the same purpose, only the subsidy is an on-budget outlay. The Bank estimates that a switch from direct credits to I-Match would reduce the outlays of the Federal Government by $145 million in fiscal 1987.

Despite the budgetary attraction of I-Match, the Banking Committee refused, last year, to provide Eximbank with the authority to make interest subsidy payments. The Bank does not have such authority under the Export-Import Bank Act, as now written.

We rejected the administration's request for several reasons. I have long argued that the claimed budgetary savings are spurious, that they are only paper savings that would have no real impact on the economy. Nonetheless, I recognize that even paper savings can be quite attractive when the pressure for budgetary contraction is severe. I-Match was rejected last year primarily because it had been hastily constructed, was technically flawed, and many exporters feared it could not, in fact, offer financing as competitive as Eximbank direct loans.

This year the administration returned with a new I-Match request, a technically and operationally much improved program which, the exporting and financial communities generally agreed, would be sound, workable, and competitive. This year, however, a totally unexpected impediment arose. The Congressional Budget Office, in its estimates of the President's budget, refused to allow any budgetary savings to flow from I-Match. CBO ruled, in effect, that Eximbank guarantees of private loans under I-Match should be scored, in terms of budget authority and outlays, as though the Bank were making the loan itself. An Eximbank guarantee under I-Match, just like an Eximbank direct loan, would be wholly on-budget.

This ruling, if sustained, would undercut the main purpose of I-Match, which is to generate budgetary savings without in any way altering the amount or competitiveness of Eximbank financing. The ultimate decision on how to score I-Match would be made by the Budget Committee, if and when the Appropriations Committee reports a bill with funding for I-Match. At the time the Banking Committee reported this reauthorization bill, we had no definitive ruling on how this scoring controversy might eventually be resolved. Thus, we gave the Bank the authority it wants to make interest subsidy payments, but we made that authority conditional upon a final ruling that I-Match be scored off-budget, as recommended by OMB, rather than on-budget, as recommended by CBO. As I interpret the language of H.R. 4510, in order for the Bank to be authorized to implement I-Match, the Appropriations Committees must report bills—or submit conference reports—providing for commitments by the Bank involving interest subsidy payments, and those bills—or reports—must be scored against any budget resolution so that I-Match guarantees give rise to no budget authority and no outlays. If those guarantees are scored in that manner, as

they are in the President's budget proposal, then the Bank can implement I-Match. But, if they are scored on-budget, giving rise to budget authority and outlays, as they are in CBO's estimates of the President's budget, then the Bank may not implement I-Match.

Fortunately, I-Match is not the only major initiative we take in H.R. 4510. This bill also requires to Bank to enhance its guarantee program to ensure the broadest possible participation by financial institutions. To that end, the Bank is required to make its guarantees fully transferable, thereby making Eximbank-guaranteed loans highly liquid assets. At present, those guaranteed loans are transferable to third parties only under special circumstances. A bank making an export loan with an Exim guarantee must, in general, regard that loan as an asset it will hold to maturity. The interest rate it will charge on that loan must then be set high enough to compensate the lender for holding a very illiquid asset. By making the asset fully transferable, thus highly liquid, a secondary market will likely develop in Eximbank guaranteed loans. Since liquid assets are more attractive than illiquid ones, the interest rate on those loans will fall. At lower rates, they will be more attractive to foreign borrowers, and thus more competitive with the guaranteed loans offered by other countries.

A similar requirement in the bill directs the Bank to improve the competitiveness of its Medium-Term Financing Program. Though the bill does not spell out precise steps the Bank must take, it makes clear our intent that the Medium-Term Program be simplified and made more efficient in its administration, and be rendered as supportive of U.S. exporters as is the Bank's Direct Loan Program. The Bank is required to report to the Congress the steps it has taken to achieve that goal.

Mr. Chairman, H.R. 4510, as reported by the subcommittee, contained a provision requiring an appropriation to cover any subsidies granted by the Bank. It was deleted in full committee markup, in part because several members argued that appropriating funds to the Bank—which does not now operate with appropriated funds—would somehow impose a new budgetary burden on the Bank, or on the authorizing committee, or on the Federal budget. I argued that appropriations would have no such impact: They would not increase the deficit of the Federal Government, they would not increase the outlays of the Eximbank, and they would not impinge in any way on budgetary funds allocated to the Banking Committee. Such appropriations would pose no budgetary problem, real or imaginary, for the Bank, or for the Bank's supporters in the Congress. They should, in fact, relieve the Bank's budgetary problem, since they would focus attention on the rather small real cost of Banks loans, instead of the rather large gross amount of those loans.

Though the requirement for appropriations was deleted from H.R. 4510, I suspect the issue is not dead, since Senate legislation contains a similar provision. To clarify various technical questions concerning the budgetary impact of appropriating funds to the Bank, I have asked the Congressional Budget Office to answer four questions:

First. Would the appropriation of these funds alter the deficit of the Federal Government?

Second. Would the appropriation of these funds alter the budget authority or outlays scored against the Eximbank?

Third. Would the appropriation of these funds alter the budget authority or outlays charged against the authorizing committees—the Banking Committees?

Fourth. Would the failure to appropriate these funds—that is, a decision to continue the current budgetary practices—allow the Bank to record lower budget authority or outlays by financing the subsidies it conveys out of its reserves?

I would like to append to this statement my letter to CBO and CBO's response. I understand that CBO consulted with OMB in preparing this response. The answers, in short, are: First, appropriations for the Bank will have no impact on the Federal deficit; second, appropriations will actually lower outlays and budget authority for the Bank except, for budget authority, in the extreme case where Bank lending is so reduced that its budget authority is already at zero; third, appropriations would have no impact on funds under the control of the authorizing committees; fourth, Eximbank reserves are not a source of a funding for Exim loans, the Bank cannot draw on those reserves to reduce its outlays or budget authority.

Attached are the letters which spell out these answers in greater detail:

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON INTERNATIONAL FINANCE, TRADE AND MONETARY POLICY OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,

Washington, DC, May 15, 1986.

Hon. RUDOLPH G. PENNER,
Director,
Congressional Budget Office.

DEAR MR. PENNER: On April 22 the Banking Committee marked up H.R. 4510, a bill to reauthorize the Export-Import Bank. The Committee deleted a section of H.R. 4510 which would have authorized appropriations to cover the subsidy component of Eximbank loans. The establishment of a subsidy budget for the Bank and the appropriation of funds to cover subsidies were included in H.R. 4510, as introduced, in order to focus the budget process on the real cost of Exim programs—the subsidy embodied in Exim loans—and not on the gross amount of Exim lending. In testimony before the Subcommittee on International Finance Mr. James Blum, Assistant Director for Budget Analysis of the Congressional Budget Office, recommended shifting the budgetary process from the amount of the loan to the amount of the subsidy.

Opponents of subsidy appropriations argued that appropriating funds to Exim would increase the amount of Budget Authority and Outlays attributed to the Bank. To quote portions of the Committee debate on this issue:

"Mr. LEVIN. Let me ask Mr. Neal. If it is required to be considered an appropriation, against what account would it be appropriated?

"Mr. NEAL. I guess it would stay in the 150 category. It's just that you are talking about a much lower amount of money.

"Mr. LEVIN. I know, but right now nothing is subtracted from any account * * *. I would like to go back and ask—against whatever account there is a subtraction or an allocation, what would be subtracted from that account—if I might ask our distinguished staff director——

"Dr. NELSON. To the best of our ability, we do believe it would affect BA and outlays.

"Mr. LEVIN. So there would have to be an allocation against one or another account.

"Dr. NELSON. Correct.

"Mr. LEVIN. And do you have any idea what might be the appropriate account used by the Budget Committee?

"Dr. NELSON. 150, I'm told.

"Mr. LEVIN. 150. And so I assume one ramification would be a subtraction against that account credited against other allocations to this committee.

"The CHAIRMAN. Well, the point is—will that be charged against the outlays of this committee? Yes or no.

"Dr. NELSON. To the extent that currently there is no charge against BA or outlay, and—you keep the provision that is now in the bill, to that extent, there would be a charge subsequently against BA and outlay.

"The CHAIRMAN. In other words—it would affect—overall BA and outlays of this committee.

"Dr. NELSON. In my opinion, yes, sir.

"Mr. MITCHELL. As I understand it, for the first time you are coming up with this appropriation, right?

"Mr. NEAL. Yes.

"Mr. MITCHELL. And that is money, and money is going to affect budget authority and outlays. I don't know how you can avoid it.

"Mr. CHANDLER. For the first time, you would be appropriating for funds, just as you do for the salary of a soldier or for any other payment from the Treasury. It is not necessary. You don't have to take away from housing or any of the other programs that this committee funds. * * * All you have to do is * * * let the Bank use its reserves, which the current language in the bill would deny."

During this debate I argued that appropriating funds to the Bank would have no effect on the federal deficit, and would not increase the Bank's BA or Outlays. A majority of the Committee, fearing otherwise, voted to delete the requirement for appropriations to cover Eximbank subsidies.

The Senate Banking Committee has reported and Eximbank reauthorization bill which authorizes appropriations to cover Exim subsidies. Thus, it is possible that an eventual House-Senate conference on Exim-

bank reauthorization will have to address this issue. It is also likely that subsidy appropriations for the Bank will arise again in the future. I would, therefore, like to resolve the questions and concerns raised by Committee members in the debate quoted above.

In particular, I would like to request the Congressional Budget Office to answer the following questions. To make the answers concrete, assume the Appropriations Committees provide, in an appropriation Act, for a limitation of $1.8 billion on Eximbank loans in the next fiscal year. Assume it is also proposed that $145 million be appropriated to the Bank to cover subsidies embodied in that lending. The issue is what budgetary differences, if any, this appropriation would make, compared to a $1.8 billion loan program with no appropriation.

(1) Would the appropriation of these funds alter the deficit of the federal government? If so, why and how?

(2) Would the appropriation of these funds alter the budget authority or outlays scored against the Eximbank, in function 150, for current or future fiscal years? If so, why and how?

(3) Would the appropriation of these funds alter the budget authority or outlays charged against the authorizing committees (the Banking Committees)? If so, why and how?

(4) Would the failure to appropriate these funds—that is, a decision to continue the current budgetary practice—allow the Bank to record lower budget authority or outlays by financing the subsidies it conveys out of its reserves?

Though I appreciate that the answers to these questions may involve some technical complexities, I hope you can provide them in as simple and straightforward a format as possible, without being misleading. While I have no particular deadline in mind, it would be useful to have your answers as soon as is convenient.

Sincerely,

STEPHEN L. NEAL,
Chairman.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 13, 1986.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Finance, Trade, and Monetary Policy, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of May 15, 1986 concerning the budget impact of appropriating the subsidy conveyed by Eximbank loans. I have attached tables showing the marginal impact on the federal budget assuming a $1.8 billion loan level and a $145 million subsidy appropriation suggested in your letter. The following are answers to the questions you raised.

Question 1. Would the appropriation of these funds alter the deficit of the federal government? If so, why and how?

Response: Appropriating the subsidy conveyed by Eximbank's loans will have no effect on the deficit because total outlays and total revenues would be unchanged from current budgetary treatment. Federal outlays from Eximbank loans are a function of the volume and terms of the loans extended, and not a function of whether the loans are financed by the Bank's borrowing from the Treasury or by direct appropriation. Eximbank loan disbursements, repayments, interest income and fees are unaffected by the appropriation. Since current accounting would not require the Eximbank to pay interest on the appropriated funds, interest expense for the Bank will be lower; lowering net outlays for the Bank. The interest cost of the appropriation would be borne in budget function 900, net interest, and not by the Eximbank in budget function 150, international affairs. The only effect of appropriating the subsidy would be a difference in the allocation between functions as shown in the table below.

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
Outlays from New Eximbank Loans:					
Eximbank outlays (150)	249	555	684	695	654
Net interest (900)	—0	—0	—0	—0	—0
Total outlays	249	555	684	695	654
Outlays from New Eximbank Loans with an appropriated subsidy for Eximbank:					
Eximbank outlays (150)	243	536	652	650	597
Appropriated subsidy (150)	(145)	(145)	(145)	(145)	(145)
Net interest (900)	6	19	32	45	56
Total outlays	249	555	684	695	654
Difference	0	0	0	0	0

Question 2. Would the appropriation of these funds alter the budget authority or outlays scored against the Eximbank, in function 150, for current or future years? If so, why and how?

Response: Appropriating the subsidy would lower the Bank's outlays as shown above. Budget authority also would be altered, but not the underlying level of loan activity, government costs, or the deficit. Budget authority for the Bank is an estimate of current, indefinite borrowing authority and is a measure of future borrowing requirements. The estimate is based on loan obligations, less principal repayments, less cancellations of prior year loan obligations, plus redemptions of the Eximbank's past borrowings, less net income. Appropriating the subsidy would create budget authority equal to the appropriation. Initially, the Bank's borrowing requirement would be lowered by the amount of the subsidy appropriation. Future borrowing recorded against the Bank would be lower because the Bank would not pay interest or principal on the appropriated funds, thereby lowering redemption of debt and raising net income.

Since the current, indefinite borrowing authority of the Eximbank is an estimate of pluses and minuses to budget authority which by definition never falls below zero, at low levels of Eximbank activity appropriating the subsidy could raise budget authority. At higher levels of loan obligations, the appropriation could lower budget authority. The change in budget authority is not a significant measure of loan activity, government costs, or the potential impact on the deficit. Congress controls Eximbank activity through limitations on loan commitments, not budget authority. Your subcommittee's proposal would provide an additional appropriation control on the amount of subsidy the Eximbank could convey. This has the advantage of not only focusing attention on the real cost of Eximbank programs, but also making credit costs directly comparable with other forms of spending.

Question 3. Would the appropriation of these funds alter the budget authority or outlays charged against the authorizing committees (the Banking Commitees)? If so, why and how?

Response: Budgetary scoring measures spending legislation relative to allocations contained in Congressional budget resolutions. The Appropriations Committees, not the Banking Committees, are the spending committees for the Eximbank. Budget authority and outlays are scored with appropriation bills providing authority to enter into new loan and guarantee commitments and charged to the Appropriation Committees. Appropriating the subsidy for the Eximbank would not affect budget authority and outlay scoring for the Banking Committees.

Question 4. Would the failure to appropriate these funds—that is, a decision to continue the current budgetary practices—allow the Bank to record lower budget authority or outlays by financing the subsidies it conveys out of its reserves?

Response: The Eximbank's reserves, or government equity, is a measure of the Bank's financial condition and not a source of financing. The Bank must borrow the funds it lends and the subsidy it conveys. The Eximbank would record higher outlays and higher or lower budget authority under its current practice than if it received an appropriation of the subsidy conveyed by its loans. However, total loan activity, government costs, and the deficit would be unaffected.

With best wishes,

Sincerely,

RUDOLPH G. PENNER,
Director.

Attachment.

OUTLAYS FROM NEW EXIMBANK LOANS UNDER CURRENT ACCOUNTING

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
BUDGET FUNCTION 150: INTERNATIONAL AFFAIRS					
Eximbank:					
Loan disbursements	274.0	679.2	942.7	1,093.2	1,179.0
Interest expense-FFB	7.8	38.1	84.9	133.1	174.8
Interest expense-Net Treasury	2.0	4.1	4.6	4.1	3.3
Loan repayments	—19.0	—86.9	—191.4	—306.8	—415.9
Interest income	—9.2	—60.2	—126.8	—193.0	—250.8
Commitment and application fees	—6.8	—19.3	—30.2	—35.8	—36.7
Eximbank outlays	248.8	555.0	683.8	694.8	653.7
Outlays, International affairs	248.8	555.0	683.8	694.8	653.7
Budget Function 800: General Government: FFB Surplus	0.0	0.0	—0.1	—0.2	—0.2
Budget Function 900: Net interest:					
Interest Paid on Borrowing	9.8	42.2	89.4	137.0	177.9
Interest on Government Accounts	—2.0	—4.1	—4.6	—4.1	—3.3
FFB Interest Payments to Treasury	—7.8	—38.1	—84.8	—132.9	—174.6
Outlays, net interest	0.0	0.0	0.0	0.0	0.0
Total outlays	248.8	555.0	683.7	694.6	653.5

BUDGET AUTHORITY FOR NEW EXIMBANK LOANS UNDER CURRENT ACCOUNTING

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
BUDGET FUNCTION 150: INTERNATIONAL AFFAIRS					
Eximbank:					
Loan obligations	1,800.0	1,800.0	1,800.0	1,800.0	1,800.0
Interest expense-FFB	7.8	38.1	84.9	133.1	174.8
Interest expense-Net Treasury	2.0	4.1	4.6	4.1	3.3
Loan repayments	—19.0	—86.9	—191.4	—306.8	—415.9
Interest income	—9.2	—60.2	—126.8	—193.0	—250.8

BUDGET AUTHORITY FOR NEW EXIMBANK LOANS UNDER CURRENT ACCOUNTING—Continued

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
Commitment and application fees	−6.8	−19.3	−30.2	−35.8	−36.7
Cancellations	0.0	−268.3	−384.6	−451.1	−492.6
Redemption of debt	8.0	41.2	97.4	162.4	227.3
Eximbank borrowing authority	1,782.8	1,448.7	1,253.9	1,112.9	1,009.4
Budget authority, International Affairs	1,782.8	1,448.7	1,253.9	1,112.9	1,009.4
Budget Function 800: General Government: FFB Surplus	0.0	0.0	−0.1	−0.2	−0.2
Budget Function 900: Net interest:					
Interest paid on borrowing	9.8	42.2	89.4	137.0	177.9
Interest on Government accounts	−2.0	−4.1	−4.6	−4.1	−3.3
FFB Interest payments to Treasury	−7.8	−38.1	−84.8	−132.9	−174.6
Budget authority, net interest	0.0	0.0	0.0	0.0	0.0
Total budget authority	1,782.8	1,448.7	1,253.8	1,112.7	1,009.2

OUTLAYS FROM NEW EXIMBANK LOANS WITH AN APPROPRIATED SUBSIDY FOR EXIMBANK

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
BUDGET FUNCTION 150: INTERNATIONAL AFFAIRS					
Eximbank:					
Loan disbursements	274.0	679.2	942.7	1093.2	1179.0
Interest expense-FFB	3.1	20.2	53.9	89.6	119.6
Interest expense-Net Treasury	0.8	2.9	3.5	3.0	2.2
Loan repayments	−19.0	−86.9	−191.4	−306.8	−415.9
Interest income	−9.2	−60.2	−126.8	−193.0	−250.8
Commitment and application fees	−6.8	−19.3	−30.2	−35.8	−36.7
Eximbank outlays	242.9	535.9	651.7	650.2	597.4
Outlays, International Affairs*	242.9	535.9	651.7	650.2	597.4
Budget Function 800: General Government: FFB Surplus	0.0	0.0	−0.1	−0.1	−0.1
Budget Function 900: Net interest:					
Interest paid on borrowing	9.8	42.2	89.4	137.0	177.9
Interest on Government accounts	−0.8	−2.9	−3.5	−3.0	−2.2
FFB interest payments to Treasury	−3.1	−20.2	−53.8	−89.5	−119.5
Outlays, net interest	5.9	19.1	32.1	44.5	56.2
Total outlays	248.8	555.0	683.7	694.6	653.5
Difference	0.0	0.0	0.0	0.0	0.0
*Includes outlays from appropriations of	(145.0)	(145.0)	(145.0)	(145.0)	(145.0)

BUDGET AUTHORITY FROM NEW EXIMBANK LOANS WITH AN APPROPRIATED SUBSIDY FOR EXIMBANK

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
BUDGET FUNCTION 150: INTERNATIONAL AFFAIRS					
Eximbank (150):					
Loan obligations	1,800.0	1,800.0	1,800.0	1,800.0	1,800.0
Interest expense-FFB	3.1	20.2	53.9	89.6	119.6
Interest expense-Net Treasury	0.8	2.9	3.5	3.0	2.2
Loan repayments	−19.0	−86.9	−191.4	−306.8	−415.9
Interest income	−9.2	−60.2	−126.8	−193.0	−250.8
Commitment and application fees	−6.8	−19.3	−30.2	−35.8	−36.7
Cancellations	0.0	−268.3	−384.6	−451.1	−492.6
Redemption of debt	3.2	21.5	61.8	109.7	156.4

BUDGET AUTHORITY FROM NEW EXIMBANK LOANS WITH AN APPROPRIATED SUBSIDY FOR EXIMBANK—Continued

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
Eximbank subsidy appropriation	145.0	145.0	145.0	145.0	145.0
Eximbank borrowing authority	1,627.1	1,264.9	1,041.2	870.6	737.2
Budget authority, international affairs	1,772.1	1,409.9	1,186.2	1,015.6	882.2
Budget function 800: General Government FFB surplus	0.0	0.0	−0.1	−0.1	−0.1
Budget function 900: Net Interest:					
Interest paid on borrowing	9.8	42.2	89.4	137.0	177.9
Interest on Government accounts	−0.8	−2.9	−3.5	−3.0	−2.2
FFB interest payments to Treasury	−3.1	−20.2	−53.8	−89.5	−119.5
Budget authority, net interest	5.9	19.1	32.1	44.5	56.2
Total budget authority	1,778.0	1,429.0	1,218.2	1,060.0	938.3
Difference	−4.8	−19.7	−35.6	−52.7	−70.9

Mr. LEACH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this bill, the Export-Import Bank Act Amendments of 1986, H.R. 4510. It was adopted by the Banking Committee on a voice vote and has the support of the administration as well as most sectors of the export community.

In this regard, I would particularly like to express my appreciation for the leadership of the gentleman from Rhode Island [Mr. ST GERMAIN] and the gentleman from North Carolina [Mr. NEAL].

As the ranking member of the International Finance and Trade Subcommittee, I can assure my colleagues that the Banking Committee thoroughly examined the administration's request for extending the charter of the Export-Import Bank. On the basis of lengthy hearings involving a substantial number of witnesses from trade, industry, and banking groups, as well as the administration, the Banking Committee was able to craft a bipartisan compromise which protects the interests of our exporters at the same time that it reduces the Federal budget deficit.

This bill will expand and enhance those Eximbank programs which benefit small- and medium-sized businesses while reducing direct subsidies to larger users of Eximbank resources.

Since its inception in 1934, the Export-Import Bank has been instrumental in supporting more than $167 billion of U.S. exports to more than 150 countries around the world. It pays approximately $19 million in administrative expenses out of loan interest and fees, with no cost to the taxpayer. In its operations the Bank has returned to the U.S. Treasury more than $1 billion in dividends and has built up a $1.5 billion reserve against loan losses. While a dispute currently exists as to whether adequate reserves have been taken for potential loan losses, the Bank is currently benefiting from the lower interest rate environment.

Current authority for the Bank's direct credit program is $1.06 billion when the Gramm-Rudman cut is taken into account. Yet, it is expected that the Bank will need a full $1.8 billion in loan authority for the coming fiscal year. In fiscal year 1987, lower oil prices and interest rates are expected to result in increased economic growth rates around the world and U.S. exporters, in particular, are expected to be more price competitive because of increased efficiency, cost reductions and the weakening of the U.S. dollar. Exports, for instance, are now rising about 4 percent per month while imports are dropping about 9 percent.

This circumstance contrasts sharply with the early 1980's when U.S. exporters faced an increasingly competitive environment. Newly industrialized countries such as Taiwan, Mexico, and Brazil captured a growing share of world trade and our industrialized trading competitors increased their use of officially supported export credits. In addition, U.S. exporters had to contend with a debilitating combination of inflation, a strong dollar and record high real interest rates at home.

In 1982, as recession spread around the world, foreign demand for U.S. goods and services fell as did Eximbank authorizations. Many countries took a cautious attitude toward large purchases from abroad and deferred many projects.

Even as the U.S. economy began to improve 3 years ago, continued recession in many countries of the world depressed the demand for U.S. exports. Risk protection assumed increasing importance at the Eximbank as the debt crisis worsened. By fiscal year 1983 some 90 percent of the Bank's authorizations were in the form of insurance and guarantees, and only 10 percent in the form of direct loans. As a result of several successful negotiations with other OECD countries governing the terms of official export credits, export credit subsidies for many of our trading competitors have been pared back, enabling our exporters to compete more exclusively on the basis of market factors.

As economic and budget circumstances have changed, so has the need for new policy directives for the Bank. This legislation reflects the need for change. The most important departure from current law is the conditional authority it gives the Bank to launch the so-called I-Match Program.

I-Match would replace direct loans with guarantees of repayment for loans made by commercial lenders. The commercial lender would receive an interest subsidy payment equal to the difference between the OECD consensus rate and the prevailing market rate—the spread is expected to average 200 to 250 basis points for most transactions. Thus, the interest subsidy payment permits the commercial lender to make the loan at the same interest rate that would have been charged an Eximbank direct loan. The program is intended to provide the foreign borrower with exactly the same credit terms and conditions he would receive under current Eximbank programs.

In my view, the administration's revised I-Match Program more clearly identifies the subsidy now being provided to our exporting community through the Eximbank and, by increasing the involvement of commercial banks and other financial institutions, begins to privatize the operations of the Bank. In sum, I-Match is a very responsible program and represents a real plus for the export community, particularly if export demand continues to increase.

While it represents a marginally more costly approach, the I-Match Program will increase the participation of many regional and smaller banks in export finance and, most importantly, will under present Government accounting practices provide substantial savings in budgetary outlays.

Nothing in this legislation would preclude the Bank from providing some level of direct credits in combination with I-Match if the House Budget and Appropriation decide this is the best course of action. Assuming the I-Match Program is to be implemented in conjunction with the Direct Credit Program at its current operating levels, budgetary savings would still amount to some $1.5 billion by fiscal year 1990. Meanwhile, the Eximbank is expected to support at least $14 billion of U.S. exports in fiscal year 1986.

Recent progress in export credit restraint agreements have considerably narrowed the spread between the market rate and the OECD "consensus" rate for official export subsidy financing. If and when the administration attains its goal of reaching an international agreement ending all officially subsidized export financing, I-Match subsidy payments can be phased out as well.

The bill also contains several provisions which should increase the attractiveness of medium-term programs of the Eximbank. It clarifies the authority of the Secretary of the Treasury to offer credit to finance a domestic sale by an American seller to an American buyer; it provides for the assignability and the transferability of the guarantees offered by the Eximbank; and under certain circumstances provides the Bank with the authority to charge fees for its services.

In summary, this bill will help to level the playing field for our exporters at the same time that it will help to free up additional resources for our foreign aid programs. Both development aid and security aid supporters should support this bill. By taking Exim off-budget, additional resources will be made available in the international affairs account of the budget resolution. That is why the State Department as well as the Treasury so strongly support this approach. In short, there is something in this bill for liberals and conservatives, for cold-warriors and development advocates, and for supporters of aid to such key countries as Israel, Egypt, Pakistan, and the Philippines.

While helping to narrow the trade deficit, this bill should put the Eximbank back on the path to a position of leadership in promoting the export of U.S. goods and services.

□ 1320

Mr. NEAL. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I simply want to add my expression of support for this bill. It is very, very important that we have this extension.

We are in a situation where we have an enormous trade deficit. One of the reasons for this is that at times we do not always have the proper tools to give our business community to be truly competitive in the world market.

I think that this bill goes a step in the right direction. I personally think that it is a modest proposal, but a well-thought-out proposal, that the chairman and the distinguished minority leader have worked out. I hope the Members will support it and help us add to the things that our business community needs to be truly competitive in the international markets.

Mr. NEAL. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. I thank the gentleman for yielding time to me.

Mr. Chairman, I think that all of us who are part of the agriculture community were shocked the other day to learn that for the first time since records began to be kept, agriculture imports into the United States exceeded our exports. This also comes in light of the fact that it has been this administration's policy for the past 4 to 5 years to reduce or lower market prices in the hopes that our exports would increase. But as those prices have been reduced, instead we have seen agriculture exports from this Nation decline along with them.

Of course that is much of the balance-of-trade problem that this Nation faces. This all comes in light of the fact that a few weeks ago the Secretary of the Treasury, Mr. Baker, got his way with the World Bank in providing a $350 million loan to Argentina. According to the news accounts, Argentina then would use this to enable them to reduce the price of their agriculture products that they are selling into the world market. So in effect the administration got its way in providing a $350-million loan that by 1989 will result in added agriculture exports from Argentina of over $1 billion.

Also I think we have to take into consideration the Joint Economic Committee's recent report which said that the policy of this Government is to assist particularly Latin and South American countries in agriculture exports even at the expense of their own people. They have people in their own countries that are going hungry, and the U.S. Government is helping those countries to export agricultural products for money.

The reason for those exports is to enable those countries to be able to pay back loans to some large banks in this country.

Mr. Chairman, that has an impact upon the farmers in my district and the farmers throughout this Nation as well as on our balance of trade. It indicates to me that we have a foreign policy that is more concerned about large banks on the east coast than small farmers in Oklahoma. For that reason it is my intention to offer in the future an amendment that would prohibit such loans and assistance to countries that are exporting agriculture products that would directly be in competition with crops that are in surplus in this country. Those would be loans and assistance to assist those countries in expanding that agriculture production or expanding those agriculture products.

From my discussion with the Export-Import people, it is my understanding that few loans—in fact no loans—have been made that would fit into that category. It is also my understanding from talking to the committee chairman himself that the committee will watch very closely the actions of the Export-Import Bank as far as agriculture products, and that the committee would be opposed to seeing loans being made to countries that would enlarge their agriculture production of crops that would be in surplus in this country, enabling those countries to move those products into world trade and therefore undercutting the American family farmer.

Mr. Chairman, I would like to hear from the chairman of the committee as to his thoughts with regard to this situation.

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Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I would be delighted to respond to my friend. The fact is that the Eximbank has not supported very much agricultural production abroad in any case. I understand the gentleman's concern, and I share it, but the real concern is with some other agencies of the U.S. Government, and the gentleman has told me that he understands that and will be working on them.

Almost all the demand for Eximbank financing—the direct lending program—is for large capital goods involved in transportation, communications, energy, high-technology goods, and so on, and very, very little in agriculture. But I will say that the Eximbank—I am just looking at the annual report for this year—during this last year authorized support for $172 million in exports of agricultural commodities and foodstuffs, and $328 million in exports of agricultural equipment and supplies. So the Bank really is doing much more to help our balance of trade and to help the farmer export than it is to hurt, and the Eximbank already operates under several restrictions that require it to study very carefully any negative impact that any of its loans or guarantee programs would make on commodities and other products that are in world surplus.

□ 1330

I assure the gentleman that we will consider and continue to monitor the situation. Like the gentleman from Oklahoma, I come from an agricultural part of the country and I have the same concern that he does.

We will continue to monitor this situation.

I thank the gentleman for his concern on behalf of all of us.

Mr. ENGLISH. Mr. Chairman, I certainly thank the chairman for his assurance and I, too, support this important piece of legislation because of the potential benefits that it can provide to American agriculture.

But I would also urge my colleagues to look carefully at U.S. assistance to foreign countries which, in fact, makes it possible for those countries to undercut our American agriculture producers in this Nation.

With that fact, I hope that in the future when this legislation comes up, legislation that benefits these countries, that they will join me in supporting my amendment which will limit or restrict or prohibit any U.S. assistance for products that are going to be produced and exported in competition with American agriculture.

Mr. NEAL. Mr. Chairman, I thank the gentleman for his comments.

Mr. ALEXANDER. Mr. Chairman, once again Congress finds itself addressing important questions concerning international trade. While discussing this issue, we should remember the importance of U.S. agriculture and concentrate on ways in which we can reclaim U.S. farmers rightful share of world agricultural markets.

During the past 5 years, the country has witnessed a tragic deterioration in the U.S. position in world agricultural markets. In 1981, the U.S. exported $43.8 billion in agricultural goods. For 1986, the Department of Agriculture forecasts that exports will only reach $27.5 billion—a drastic 37 percent drop.

Last month, for the first time since 1959, the United States registered an agricultural trade deficit. For years, agriculture has contributed greatly to the U.S. positive trade balance. But now, U.S Government policy has crippled our farmers' ability to trade overseas.

The Federal Government has been running an enormous deficit which has led to an overpriced dollar. This extreme dollar value has priced U.S. agriculture goods out of foreign buyers reach.

Now, some of our farmer customers have developed their own agriculture industry with U.S. aid and have become major competitors. Those countries who have not developed their own agriculture turn to these new suppliers for their agriculture needs. For example, Brazil used to import soybean and soybean byproducts from the United States. With United States financial and technical assistance, Brazil is now a major competitor to United States soybean producers.

I agree with the need to assist other countries; however, we should not forsake our own people to do so. While considering trade issues, we should ask ourselves how we can help farmers regain their strength in the world market.

Mr. LEACH of Iowa. Mr. Chairman, I yield 5 minutes to the distinguished ranking member of the full committee, the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Chairman, I thank the gentleman from Iowa [Mr. LEACH] for yielding this time.

I rise in support of H.R. 4510, the Export-Import Act of 1986.

I pay tribute to the gentleman from North Carolina [Mr. NEAL] and the gentleman from Iowa [Mr. LEACH] for working so diligently with the administration. This is a complicated subject and these gentlemen have demonstrated a knowledge and expertise which deserves recognition and compliment.

H.R. 4510 reauthorizes the Export-Import Bank for 2 years (through fiscal year 1988), conditionally authorizes an interest-rate matching (I-Match) program, requires Eximbank to enhance its guarantee and medium-term financing programs, restricts the use of credit application fees, and requires the Bank to provide a list of rejections of financing applications in its annual competitiveness report.

A carefully crafted bipartisan bill, it authorizes programs needed by our exporters so they can reduce our large trade deficit.

H.R. 4510 directs Eximbank to finance U.S. exports at terms fully competitive with financing offered by other countries. The Bank provides credit assistance through direct loans to foreign purchasers of U.S. goods and services, loan guarantees to private U.S. banks, and credit insurance for American exporters to protect against nonpayment by foreign buyers. By financing U.S. exports and imports at terms more favorable than private lenders (that is, with lower interest rates, smaller fees, and longer repayment schedules, Eximbank effectively subsidizes foreign buyers of American products and services, thereby expanding U.S. export markets.

Congress has set a $40 billion ceiling on the total amount of loans, guarantees, and insurance Eximbank may have outstanding at any one time. The Bank may exercise its authority to enter into direct-loan, guarantee, or insurance commitments in any fiscal year only after a limit on such commitments is set in an appropriation act.

The legislation contains a number of important new policy directives for the Bank. The most important of these is the conditional authority it gives the Bank to launch the so-called I-Match program. This is the administration's proposal to finance exports with a combination of guarantees and interest subsidy payments. The I-Match provisions in this legislation were worked out in close cooperation with representatives of the export community, officials of the Eximbank, as well as a bipartisan coalition of members of the Banking Committee. Since the demand for export credit is likely to exceed substantially what the Appropriations Committee will be able to authorize in the current budget environment, it is important in my view that the Appropriations Committee authorize an I-Match Program as structured by the House Banking Committee.

Mr. Chairman, while supporting the bill as a whole, I have reservations about the inflexibility of three provisions.

First, section 6 entitled "enhancement of guarantees" would require the "unrestricted transferability and assignability" of Eximbank guarantees. What that means is that a bank can make a loan and then wash its hands of the matter by selling off the loan, all the time protecting itself with the full faith and credit guarantee of the U.S. Government. This provision is supposed to benefit exporters, but almost all the profits would actually end up with the banks. Commercial banks would be relieved of all responsibility for the quality of the loan, leaving the full burden on the Govern-

ment. Treasury has a question about creating yet another riskless financial instrument to compete with regular Treasury debt.

The inflexible language of section 6 raises more questions than it answers. Does the bill have the effect of requiring transferability of a loan guarantee regardless of the risk of the loan or the amount of "due diligence" done by the Bank? Does it mean that already existing guarantees of the Eximbank must be made transferable? These questions should be answered before this bill becomes law.

The second reservation I have with this bill relates to section 2 on interest subsidy payments. At present, the Eximbank has some flexibility in its choice of financing techniques for a given export transaction. This section, however, would remove that flexibility by mandating direct loans for "financing any export transaction." The Bank is left with no say in the matter. When this bill becomes law, I hope that the Eximbank will end up with authority to use the most appropriate means of financing a given transaction.

Third, in my view a 5-year extension of the charter of the U.S. Export-Import Bank, is preferable in the bill to the 2-year extension for a variety of reasons I will probably look for another forum to press this issue.

The bill merits the support of all my colleagues on both sides of the aisle. Enactment of this legislation is vitally needed by the American exporting community which faces unprecedented challenge for our trading competition in Europe and Asia. With this authorized action in place, our exporters can once again compete on a level playing field.

Mr. NEAL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. LUNDINE].

Mr. LUNDINE. Mr. Chairman, I urge my colleagues to support H.R. 4510 to reauthorize the Export-Import Bank for 2 years. The disastrous $150 billion U.S. trade deficit be substantially reduced in the next few years. To achieve this essential objective, we must export more. To export more, adequate financing must be available to U.S. exporters at competitive terms. The Export-Import Bank is the critical financing link in this exporting chain.

A large reason for the quadrupling of our trade deficit since 1980 has been declining U.S. exports. The Commerce Department recently reported that 1.8 million export-related U.S. jobs have been lost during this time. While the uncompetitive U.S. dollar cost us valuable export markets over the past 6 years, we have also lost many sales abroad due to a lack of aggressive and competitive export finance. Now, with the recent fall in value of the dollar back to a more reasonable level, in the upcoming months we will need more than ever a strong and competitive Export-Import Bank if we are to regain our former position in world export markets.

In New York State, we understand that exports mean jobs. We know that our businesses must have the capacity to finance their exports when they are competing internationally. Trade and finance have become two necessary elements of a successful equation in this increasingly interdependent global economy we live in today. I know through firsthand experience that many jobs would have been lost in places like Olean, Elmira, Jamestown, and Buffalo, NY, without the services of the Export-Import Bank.

The bill before us is a carefully constructed effort to provide the critical financing our exporters will need over the next 2 years without adding further to our budgetary dilemma. It preserves the authorization of a strong direct lending program for the Bank subject to the limits set in annual appropriations acts. It also makes possible implementation of the so-called I-Match Program by the Export-Import Bank if certain budgetary conditions are met.

I am particularly pleased that this legislation contains language I sponsored to preserve and strengthen existing Export-Import Bank authority to provide financing to U.S. producers competing in the U.S. market against unfair foreign financing inconsistent with export credit agreements. The bill makes absolutely clear that foreign governments violating export credit agreements do not have to be a party to an export credit agreement for the Secretary of the Treasury to authorize the Export-Import Bank to provide competitive financing. In the past, the Treasury Department has been reluctant to consider authorizing Export-Import Bank financing in these instances where offending countries were not signators to export credit agreements.

In conclusion, the bill before us will help ensure that the Export-Import Bank stays competitive so that U.S. firms do not lose export markets on the basis of inadequate financing terms. A strong Export-Import Bank is needed to reduce our trade deficit and to keep the U.S. competitive in the future. It deserves your support.

□ 1340

Mr. LEACH of Iowa. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman, I take pride in the Banking Committee's work on this authorization, and am especially appreciative of the leadership demonstrated by the gentleman from North Carolina [Mr. NEAL], the chairman of the International Finance, Trade and Monetary Policy Subcommittee, as well as the gentleman from Iowa [Mr. LEACH], the ranking minority member.

This bill reauthorizes one of the most important tools we have to promote, U.S. exports.

It is important to remember what this bill is, and it is equally important to remember what it is not. The bill represents an effort to put U.S. exports at the starting gate, so they can compete with other manufacturers.

It is not a foreign policy bill. A number of issues which have been mentioned in connection with this bill are important foreign policy issues. But the Eximbank authorization is not the vehicle for making foreign policy. We do give the White House the discretion to make sure that the bank is not used in a way that is contrary to our national interests, but this bill is no place to fine tune foreign policy.

It is not a comprehensive trade bill. We need to make sure this bill provides us with the best export financing mechanism we can develop. But we cannot address every trade question in this bill. That's not the scope of this effort.

The committee is to be commended for its innovative approach to the challenges of export financing. The authorization will make the Loan Guarantee Program more attractive by removing restrictions on the transferability and assignability of loan guarantees.

When you consider the amendments which will be offered to this authorization, and I understand there are several, don't simply look at whether they articulate attractive policy objectives: ask yourself just what it is that we're trying to accomplish with this particular measure. Let's not complicate matters for our exporters by trying to make ourselves feel good.

Mr. NEAL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Chairman, I am pleased to rise in this bipartisan setting, where we have almost a state of euphoria regarding the Eximbank bill, and about the only debate that is going to take place I suspect is going to be on a few amendments; I think most of the amendments I am aware of probably should be defeated.

In any event, I could not pass up this opportunity to try to get us to stand back a second to see what it is that we are doing and what it is we are doing in comparison to other things that we refused to do. What we are doing today is reaffirming the fact that the Government of the United States ought to have a role in helping to make U.S. industry internationally competitive. This is something we have been doing for 50 years, as far as the Eximbank is concerned.

What we are doing today is reaffirming the fact that the United States

should have a development bank, a development bank to enhance our industries' abilities to export products, goods, services. Yet, at the same time we are doing this, at the same time that the U.S. Chamber of Commerce says "This bill must pass," that the National Association of Manufacturers says, "This bill must pass," that the Reagan administration says, "This bill must pass," we see these same entities, institutions, and individuals opposing the concept of an industrial competitiveness strategy, of which an Eximbank is but one small, albeit important, part.

We need this component part, which would authorize $1.8 billion for fiscal year 1987; we need it desperately. We need many, many more component parts of an overall industrial competitive strategy.

Some of those other components are contained within the trade bill. Whether it is the Council on Industrial Competitiveness; whether it is the Competitiveness Exchange Rate Act, et cetera, I urge all my colleagues who see the wisdom of having a bank, a component of an industrial competitiveness strategy, the Eximbank, to open their eyes and also see the need for an overall industrial competitiveness strategy.

Mr. LEACH of Iowa. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I rise at this point to support this bill, H.R. 4510. I think the Export-Import Bank is an extremely important organization in our business of government and in the economy of the United States and the world.

I have long time been a supporter of the Eximbank, and I think it is exceedingly important for us to get on today with the business of reauthorizing it. I am a little disappointed the reauthorization is only for 2 years, because we debate so many things each time this comes up.

The fact is that our major businesses could not compete on the world market today if we did not have a way to make their products competitive in terms of pricing, and this is the only vehicle that we have to do that. That is a sad fact, because the reality is that many countries, even our friends and allies in Europe, subsidize their companies and their products when they go out to sell on the world market, particularly the larger items such as airplanes and the like; and we have to have a way to fight that. We have tried for years to get them to agree to stop that kind of subsidy.

It is a distortion of the marketplace; it is not the kind of free enterprise way to do business that I would like to see; it is not free trade that so many talk about, but it is unfortunately the reality of the world we live in.

If we are going to be competitive and allow American citizens to have jobs in industries that do sell abroad these larger ticket items, we have to be able to have this kind of a program.

Now that does not mean that I do not see some flaws in this legislation. I certainly do. I think the I-Match Program that is in here on a tentative basis would have been much better if it had been put into the bill as the administration requested initially, as a new alternative method to the Direct Loan Program; and that we proceed to do that, but I was not able to prevail in the committee on this, and I am not going to come back and argue it again on the floor today.

The fact is we do have an I-Match Program in the bill; at least an opportunity for it to be used under certain circumstances, and I think that is positive.

I am a little disappointed with the occasions where the Eximbank has made what I consider to be egregious mistakes in making loans or credit commitments to foreign countries that are Communist dictatorships. I have one particular amendment that I am going to offer today that I hope my colleagues will join with me on that will prohibit the Eximbank from making any further credit extensions to the country of Angola until the President of the United States certifies that all of the nearly 40,000 Cuban troops in that country have left Angola.

I think it is incredible that two Presidents of the United States, over nearly a 10-year period, allowed the Eximbank to give loans and credits to finance an oil industry in Angola that gives the profits to the MPLA Communist regime that pays the bounty, pays the way to feed and house and clothe the nearly 40,000 Cuban troops that are there from Castro's Cuba.

□ 1350

And those troops, of course, are fighting in a civil war against an element of the people of Angola who were initially a part of the freedom movement in the 1970's, who were excluded from a political process by the MPLA Communists who came to power shortly after 1975. These Cuban troops simply should not be there. We tried to negotiate this away, we tried every way we can. But how can we expect them to leave when we ourselves are indirectly through the Eximbank and the resulting oil profits to the MPLA government, financing their presence, their feeding, their clothing, their equipment bought from the Soviet Union, and so on? We cannot. So I ask my colleagues when the time comes to support the McCollum amendment which does nothing but exclude the opportunity to finance any of the Export-Import Bank deals with respect to Angola except, and there is an exception, food and agricultural commodities, until the President certifies that the Cuban troops have left Angola.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I would be glad to yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentleman for yielding.

(Mr. PARRIS asked and was given permission to revise and extend his remarks.)

Mr. PARRIS. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Florida and congratulate him on his leadership in this regard.

Mr. MCCOLLUM. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. NEAL. Mr. Chairman, how much time remains on this side?

The CHAIRMAN. The gentleman from North Carolina [Mr. NEAL] has 6 minutes remaining.

Mr. NEAL. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I rise in strong support of H.R. 4510, the Export-Import Amendments of 1986.

Mr. Chairman and Members, our American economy is very much a part of a world economy.

What we manufacture here we must be ready to sell abroad. Indeed, we export 20 percent of our industrial output.

Yet times are changing. Our market share as a percentage of the world economy dropped from 18 percent in 1960 to about 15 percent in 1970 to 11 percent in 1984.

We have seen the results. Last year our merchandise trade deficit rose to a recordbreaking $148.5 billion.

One reason is the nature of our international competition. Japan provides official financing for 35 to 40 percent of its manufactured exports. France provides such financing for 20 to 25 percent of its exports.

We provide support for roughly 10 percent of our exports.

The Export-Import Bank is the key Federal agency in supplying this very modest level of support.

This legislation renews the charter of the Eximbank, which is due to expire September 30 of this year, for an additional 2 years.

The bill also allows the administration to undertake an innovative interest rate matching program to finance American exports. In the current scheme of things, Exim borrows from the Treasury and lends money to purchasers of U.S. products at competitive interest rates. Under the I-Match Program, the loan would come from a commercial bank, with Exim providing a subsidy to make the interest rate

competitive. The purpose of this new financing method is to reduce direct Federal outlays. However;

Originally, Mr. Chairman, the administration requested that the entire program be shifted to I-Match. I personally did not agree with this approach, and in fact the exporting community approved this shift. However, I thought it was an innovative idea, one which we should at least try. I am happy to say through discussions with Chairman NEAL that this bill calls for a pilot program, and at the end of that pilot period a study would be prepared to ascertain whether or not the I-Match Program is more cost effective than a direct loan program.

However, as I indicated, Mr. Chairman, this new program would not be implemented unless the House and Senate Budget Committees accept the OMB assessment that I-Match loan guarantees and subsidies do not require budget authority or outlays, except in the case of default. In addition Exim could only make I-Match loans if direct loan is not possible.

This method of financing is not without controversy, which is why the legislation requires the General Accounting Office to submit to the Congress, by January 1, 1988, a report on Exim's use of its authority to make interest payments. The report will compare the interest subsidy and the direct loan programs in terms of competitiveness, efficiency, cost and budget impact.

To make the program more attractive to a diversity of private lenders, including insurance companies, pension funds and savings and loan institutions, the bill makes several changes in Exim's loan guarantees, including the removal of bank restrictions on the transferability and assignability of guarantees between lenders.

The legislation also makes clear that the Treasury can, under certain conditions, make a subsidized loan to an American firm if it is determined necessary for competition with a foreign firm financed by export credits. Using authority provided under section 1912 of the Export-Import Act, Eximbank recently made financing offers to an American company, Allis-Chalmers. Allis-Chalmers requested the assistance to help it compete against the Brazilian firm, Voith Brasil, in the sale of turbine generators and related equipment to western Pennsylvania hydroelectric projects. The Exim offer of a $4.2 million loan at 6.5 percent interest is directly competitive with a financing offer from CACEX, the Brazilian export credit agency. Without Exim assistance, these western Pennsylvania projects could easily end up purchasing Brazilian-made equipment, with a subsequent loss of American jobs.

Finally, I want to make known my strong opposition to the Rahall amendment, which, if approved by the House would make it very difficult to finance any overseas project which benefits American exporters. The overly broad language of the amendment fails to reflect an important fact: In most cases in which the Eximbank finds itself involved, the project will go ahead whether or not the Eximbank provides financing. Other nations are more than willing to sell the necessary equipment to the project in question, often with very favorable financing terms. The only certain result if American financing is withdrawn is that jobs dependent on the export of American goods involved would be lost

I urge my colleagues to support this substitute and to support passage of the Export-Import Bank Amendments of 1986.

Mr. BOULTER. Mr. Chairman, I would like to take this opportunity during consideration of the Rahall amendment to the Export-Import Bank authorization bill to speak to the issue of subsidization of foreign industries that are in direct competition with their crippled counterparts here in the United States. I would like to state emphatically that I have no qualms with a competitive world market. In the past, even, I could support aiding other nations to become competitive. However, at a time when our domestic agriculture, copper, and other vital industries are struggling to stay afloat, it not only doesn't make sense to aid our competition, it is downright unfair.

Mr. Chairman, my district is fortunate enough to be the home to the world's largest copper refinery. It has provided hundreds of my constituents with employment. Today, however, the copper industry and this refinery are in dire economic straits, jeopardizing the livelihoods of hundreds of my constituents. In Chile and Peru, however, thanks to hundreds of millions of dollars in loans from the United States taxpayer, copper production and exports have increased, and their industries have taken on a larger role in the world market, at the American worker's expense.

In my district, Mr. Chairman, farmers are being denied credit, and local banks are closing due to regulations being handed down from Washington which monitor lending practices. However, Mr. Chairman, countries which have credit records that are atrocious are given easy credit terms and further loans. Where is the fairness in this?

Some of my colleagues here on this floor will complain that the Rahall amendment is protectionist in nature. That by prohibiting the Eximbank from extending any direct credit or financial guarantee in support of an export to any foreign entity if that foreign entity intends to use the export to produce or manufacture a commodity, mineral, material, or product which is also produced or manufactured in substantial quantities in the United States, we will be violating the ideal of a free world market. This notion is as absurd as it is ill founded. I am not proposing today that we close our borders to our foreign competition, only that we don't subsidize it.

Mr. Chairman, I have introduced legislation which is similar to this amendment in that it targets the taxpayer's money away from our foreign competition. I'm sorry that we can't discuss that bill, for it goes this amendment a great deal better. Today, however, I would like to urge my colleagues to support the Rahall amendment. It doesn't complete the work we have to do in this area, but I believe it is an intelligent first step toward reinvigorating our most suffering domestic industries.

Mr. IRELAND. Mr. Chairman, it is a pleasure for me to speak briefly today on H.R. 4510, the reauthorization of the Export-Import Bank. Although I would have liked to have seen a longer reauthorization period, I am very much in support of the major parts of this legislation.

The last time we authorized the bank several colleagues and myself had placed several provisions in the law to compel the Bank to reach out and include small business in their programs, both those small businesses who have exported and those who are new to the field. Since then I have followed the Bank's progress which has been slow but in some cases most admirable. My subcommittee of the Small Business Committee plans an oversight hearing in the fall. Although we are not now addressing those concerns to which I refer, I do want the members to know they are still in the law and that I intend to hold the directors of the Bank accountable.

There are several noteworthy provisions in this bill that I will briefly comment upon. In particular I am pleased to see that we call for more of an outreach by the Bank to insure that we have the widest possible participation of commercial banks, insurance companies, pension funds, and other private capital sources. I also applaud the provisions covering user fees and medium-term financing.

Finally, I would like to commend recent moves to match the mixed-credit deals that several of our foreign competitors have been clobbering us with for years. Our Government has a definite role in this area. It is one thing to ask business to compete with foreign business interests, but it is another to expect successful competition when American business is confronted with foreign companies who are dramatically subsidized by their own governments. If we do not step in in such situations we will face economic defeat time and time again, for that is not competition in the true sense. We must face up to it and combat it. The rules should be the same and fair for everyone.

The Eximbank can play a great role in addressing the serious trade deficit crisis we now confront. I commend the diligent members of the House Banking Committee for the great amount of energy they expended to produce this reauthorization. I would hope all Members appreciate this and recognize the importance of this legislation now before us.

Mr. LEACH of Iowa. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. NEAL. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I just want to say again, as other Members have said in speeches in support of this Eximbank, that this is an important program for our country. It is a major facility for helping our exporters and thus reduc-

ing this horrendous balance of trade that will cripple our country if we do not deal effectively with it. While I am going to support the McCollum amendment, it does no harm to the Eximbank; the Eximbank is not going to make any loans to Angola anyway.

I would urge Members to please follow the debate carefully on these other amendments. These other amendments, the Crane amendment, the Rahall amendment, though not intentional, they would cripple the Bank, they would cripple our efforts to make this country competitive in international trade, and we must defeat them. I thank the chairman, and I thank all of the Members who worked so hard on this bill, especially my friend, Mr. LEACH, and our fine staffs. We have a good bill, and I urge support of the bill without amendment.

The CHAIRMAN pro tempore (Mr. ANTHONY). All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

Mr. NEAL. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export-Import Bank Act Amendments of 1986".

SEC. 2. INTEREST SUBSIDY PAYMENTS.

(a) IN GENERAL.—Section 2(a)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(1)) is amended by inserting after "to guarantee, insure, coinsure, and reinsure against political and credit risks of loss;" the following: "to provide a sufficient return to commercial lending institutions or other lenders making loans in support of exports of goods and services when financing at other than market rates is necessary to respond to subsidized financing offered by foreign export credit agencies, except that—

"(A) the sum of the aggregate amount of loans supported by interest subsidy payments and the aggregate amount of direct loan obligations may not exceed $1,800,000,000 for fiscal year 1987 and such amounts as may be provided in appropriation Acts in subsequent fiscal years;

"(B) no amount is authorized to be provided in an appropriation Act for commitments by the Bank involving interest subsidy payments, unless, in determining the amount of budget authority and an estimate of outlays with respect to such commitments for purposes of the Congressional Budget and Impoundment Control Act of 1974, such commitments are treated in the manner recommended in the budget submitted by the President for fiscal year 1987;

"(C) the Bank's authority to enter into commitments to make interest subsidy payments shall lapse on October 1, 1988; and

"(D) the Bank shall—

"(i) in making a determination with respect to financing any export transaction, give priority to financing such transaction through the use of a direct loan; and

"(ii) make maximum use of its authority to make direct loans in each fiscal year;".

(b) GAO REPORT ON INTEREST SUBSIDY PAYMENTS.—

(1) IN GENERAL.—Section 9 of the Export-Import Bank Act of 1945 (12 U.S.C. 635g) is amended by adding at the end thereof the following new subsection:

"(e) GAO REPORT ON INTEREST SUBSIDY PAYMENTS.—

"(1) REPORT REQUIRED.—Not later than January 1, 1988, the Comptroller General of the United States shall transmit to both Houses of the Congress a report on the manner in which and the extent to which the Bank is exercising its authority to make interest subsidy payments under section 2(a).

"(2) CONTENTS OF REPORT.—The report required under paragraph (1) with respect to interest subsidy payments shall—

"(A) compare the efficiency and competitiveness of interest subsidy payments with the efficiency and competitiveness of direct Bank financing of an equivalent value of exports;

"(B) compare the cost, to the United States Government, of making interest subsidy payments and the impact of such payments on the financial condition of the Bank with the cost and impact of direct Bank financing of an equivalent value of exports;

"(C) compare the impact of interest subsidy payments on the Federal budget with the impact on such budget of direct Bank financing of an equivalent value of exports; and

"(D) include all views and recommendations of the Advisory Committee of the Bank which are submitted to the Comptroller General of the United States before December 1, 1987.".

(2) SUNSET PROVISION.—Effective January 2, 1988, the amendment made by subsection (a) is repealed.

SEC. 3. FEES.

Section 2(a)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)(1)) is amended by inserting after the fifth sentence thereof the following new sentences: "The Bank may impose a fee (at such time and in such amount as the Bank may determine to be reasonable) to cover any expense (including overhead expense) incurred by the Bank in providing any good (including any document, report, or other publication of the Bank) or performing any service (including any conference or seminar conducted by the Bank) in connection with and in furtherance of the objects and purposes of the Bank. Amounts received by the Bank pursuant to the imposition of any fee under the preceding sentence shall be available until expended and may be used to pay any expense referred to in such sentence directly or be credited to any account or fund of the Bank which has been or will be debited for such expense.".

SEC. 4. COMPETITIVENESS REPORT.

Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended by adding at the end thereof the following new sentence: "The Bank shall also include in the annual report a list of the applications for loans, guarantees, or insurance which the Board of Directors rejected during the period covered by the report. This list shall indicate which countries which are members of the Organization for Economic Cooperation and Development were offering official export credit in competition with any loan application rejected by the Board, to the extent such information is available to the Bank.".

SEC. 5. CREDIT APPLICATION FEES.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended by inserting after the third sentence the following: "The Bank may not impose a credit application fee unless (i) the fee is competitive with the average fee charged by the Bank's primary foreign competitors, and (ii) the borrower or the exporter is given the option of paying the fee at the outset of the loan or over the life of the loan and the present value of the fee determined under either such option is the same amount.".

SEC. 6. ENHANCEMENT OF GUARANTEES.

Section 2(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(c)) is amended by adding at the end thereof the following new paragraph:

"(3) The Bank shall act to enhance its guarantee program to provide the broadest possible participation by commercial banks, insurance companies, pension funds, and other private capital sources. The Bank shall—

"(A) consider all feasible measures to enhance guarantees;

"(B) provide, at a minimum, for the unrestricted transferability and assignability of its guarantees; and

"(C) report to the Congress on its actions under this paragraph within 1 year of its enactment.".

SEC. 7. DIRECTOR'S TERM.

Section 3(c)(8) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(8)) is amended by adding at the end thereof the following new subparagraph:

"(E) Any director whose term has expired may serve until such director's successor has been qualified.".

SEC. 8. EXTENSION OF CHARTER.

Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking out "September 30, 1986" and inserting in lieu thereof "September 30, 1988".

SEC. 9. MATCHING FOREIGN OFFICIAL EXPORT CREDITS IN THE UNITED STATES

Section 1912(a)(1) of the Export-Import Bank Act Amendments of 1978 (12 U.S.C. 635a-3(a)(1)) is amended by inserting "irrespective of whether these credits are being offered by governments which are signatories to such standstills, minutes, or practices," after "major exporting countries have agreed,".

SEC. 10. ENHANCEMENT OF MEDIUM-TERM PROGRAM.

Section 2(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)) is amended by adding at the end thereof the following new paragraph:

"(3) ENHANCEMENT OF MEDIUM-TERM PROGRAM.—

"(A) IN GENERAL.—To enhance the medium-term financing program established pursuant to paragraph (2), the Bank shall enact measures to—

"(i) improve the competitiveness of the Bank's medium-term financing and ensure that its medium-term financing is fully competitive with that of other major official export credit agencies;

"(ii) ease the administrative burdens and procedural and documentary requirements imposed on the users of medium-term financing;

"(iii) attract the widest possible participation of private financial institutions and other sources of private capital in the medium-term financing of United States exports; and

"(iv) render the Bank's medium-term financing as supportive of United States exports as is its Direct Loan Program.

"(B) REPORT REQUIRED.—Not later than April 15, 1987, the Bank shall transmit a report to the Congress analyzing the measures adopted to enhance medium-term financing.".

SEC. 11. NEW CREDIT AUTHORITY.

The second sentence of section 7(a)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635e(a)(1)) is amended by striking out "spending authority" and inserting in lieu thereof "spending and credit authority".

AMENDMENT OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. McCOLLUM: Page 9, insert after line 2 the following new section (and redesignate subsequent sections accordingly):

SEC. 12. PROHIBITION OF AID TO ANGOLA.

Section 2(b) of the Export-Import Bank Act of 1945 (12) U.S.C. 635(b) is amended by adding at the end thereof the following new paragraph:

"(11) The Bank may not guarantee, insure, or extend credit (or participate in the extension of credit) in connection with any export of goods or services except food or Agricultural commodities to the Peoples Republic of Angola until the President of the United States certifies to the Congress that no Cuban combatant forces remain in Angola."

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. (Mr. PENNY). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, there are nearly 40,000 troops from Cuba in Angola at the present time. There have been thousands of Cuban troops in Angola since 1975.

My amendment prohibits any new credit activity by the Eximbank with Angola except for food and agricultural commodities until the President certifies that all Cuban troops have left Angola. It is as simple as that.

Ten years ago, roughly, the departing Portuguese colonial government signed the Avlor Agreement with three Angolan independent movements. This agreement called for a shared transition government and scheduled free elections.

One faction, the MPLA, imported 13,000 Cuban troops and with the aid of Soviet advisors physically took control of the vast majority of the country and has held power ever since then. No elections have ever been held. Most would agree that the MPLA is a Communist dictatorship. Over the last decade the Soviets have provided many, many aircraft, tanks, and other military equipment to the MPLA and presently have about 1,500 advisers in Angola.

One of the original three independence movements have disbanded, but the third movement, Joseph Savimbi's UNITA still fights on against the MPLA and holds the southeast corner of Angola.

The bulk of the support for the MPLA in holding off UNITA is the presence of Cuban troops, now nearly 40,000 in number. These Cuban troops are fed, housed and clothed by profits the MPLA makes on its oil production. If it were not for the oil income the MPLA could not support Cuban troops or buy military equipment from the Soviets. If it were not for the Cuban troops and the military equipment provided by the Soviets, the MPLA dictators would have to change their ways or face a much more serious threat from UNITA. Through the Eximbank the United States has poured millions and millions of dollars into Angola to finance the development of the oil industry that is the sole source of the MPLA treasury. As of November 1985—last year—more than $245 million in loans to the MPLA government had been authorized by the Eximbank. This represents the Bank's largest exposure in sub-Saharan Africa.

I do not think the United States should be supporting a Communist dictatorship which has clearly seized power illegally especially not when there is an ongoing civil war with forces that appear to be pro-Western and democratic in their leanings. It is incredible that both President Carter and President Reagan allowed United States dollars to flow through the Eximbank in support of the development of an oil industry in Angola that has propped up the MPLA for more than a decade. It is even more Incredible that this was done with the full knowledge that these moneys were going directly to support a huge contingent of Castro's Cuban troops fighting for the MPLA in Angola. Incredible as this may seem, it was only last year that the President, through the State Department, intervened amid much congressional protest to stop the Eximbank credit flow to Angola.

Some will argue that present law gives flexibility to the President to stop Eximbank loans any time he wants and that he has done so now in the case of Angola and that we should not tie his hands by my amendment. This does not make sense to me. Congress is a coequal branch of this Government. The Eximbank and its credit authority is a creation of Congress. When the potential for abuse of this credit authority has been so clearly demonstrated as in the case of Angola where we have been supporting thousands and thousands of Cuban troops propping up a Communist regime, it is not only our right, but our duty, to act to make sure it does not happen again. There is no reason any President should ever OK Eximbank loans for projects that would finance the presence of Cuban troops in Angola.

Now I want to make it perfectly clear that my amendment exempts Eximbank credits to Angola for food and agricultural commodities. No one will starve in Angola for the want of Eximbank financing and we will not be using food and agriculture commodities as a weapon of foreign policy.

The amendment I am proposing simply stops all other credit activity of the Eximbank with respect to Angola until the President certifies that all Cuban troops have left Angola.

I urge your support for my amendment to get Cuban troops out of Angola and stop United States financing of these Cubans.

It is about time we did it, and a good vote by my colleagues today can stop or at least certainly slow that progress.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I would be glad to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think the amendment of the gentleman from Florida makes a great deal of merit. I want to ask the gentleman a couple of questions.

First, how many Cuban troops are in Angola today?

Mr. McCOLLUM. There are nearly 40,000 there today, just shy of 40,000.

Mr. HUNTER. How many Soviet advisers?

Mr. McCOLLUM. Roughly 1,500 Soviet advisers.

Mr. HUNTER. Now, are these Cuban troops presently engaged in combat operations, specifically are they engaged in the process of killing black Africans?

Mr. McCOLLUM. There are some of them who are. They are in various outposts throughout the country. They are actively involved in the military operation of the MPLA Government of Angola, which has better than two-thirds of the country under its control.

□ 1405

Mr. HUNTER. Let me ask the gentleman one particular question with regard to gulf.

The CHAIRMAN. The time of the gentleman from Florida [Mr. McCOLLUM] has expired.

(At the request of Mr. HUNTER, and by unanimous consent, Mr. McCOLLUM was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I understand that the President has restricted the Eximbank with respect to Angola at this point. I understand further that obviously the Cuban troops are still operating and Gulf Oil is still operating. How is it operating at this time?

Mr. McCOLLUM. Obviously, Gulf Oil and the interests that are over there with Chevron, which is now a subsidiary, have an investment and they are an ongoing operation. My amendment is not going to stop their operation. It is not going to shut them down. Unfortunately, in my view, the profits are still going to flow, whatever they are, to the Government of Angola.

But what my amendment would do would be to prohibit the Eximbank from giving any more loans to potentially expand that operation or to add to it or to develop some other industry inside the country of Angola that could enhance the treasury of this Communist regime.

Mr. HUNTER. But Gulf is obviously still operating in partnership with the Government of Angola.

Mr. McCOLLUM. They are still very much in partnership with the Government of Angola. In fact, I think the Government of Angola requires that 50-plus percent of the profits go to their Government in order for them to be there operating.

Mr. HUNTER. How many millions of Eximbank dollars have already flowed into the Gulf-Angola Government partnership?

Mr. McCOLLUM. About $153 million has actually already gone into the Government of Angola projects over there. Another $100 million or so is authorized. Again, those are in the pipeline and my amendment cannot stop that from happening. But we can stop more from being authorized and more from flowing.

All of this props up about $1 billion a year in an oil industry in that country, $1 billion a year into Angola's coffers. I do not know how much into Gulf Oil or somebody else's.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, on that last point the gentleman made about the $100 million that remains in the pipeline, the gentleman just said, it is my understanding, that that money cannot be stopped?

Mr. McCOLLUM. Not at this juncture. My understanding is that that money is committed contractually. It has already been authorized and the commitments are out there. And the way it works is the Eximbank pays out this money on periodic payments over a period of time, like buying an airplane or financing a car.

Mr. BURTON of Indiana. If the State Department were to declare Angola a known Communist country, would that not prohibit Federal U.S. taxpayers' dollars from going to the Government of Angola and would that not stop the money that is in the pipeline?

Mr. McCOLLUM. It might very well. Technically, I do not frankly know whether it would stop it because I have not researched the point to know if we would indeed stop it. It may already be enough money going there through the financing system that is independent of taxpayer credit or taxpayer moneys. But I do not know that for a fact. I cannot say for sure.

Mr. BURTON of Indiana. I will make a further statement on the gentleman's amendment in just a moment. I want to congratulate the gentleman on it. I think it is a very good amendment. I think everyone in this body ought to vote for it.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman.

Mr. NEAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I might say that I am inclined to support the gentleman's amendment. The Eximbank is not going to make any more loans to Angola anyway.

But I cannot resist pointing out the irony of the situation. Almost all of these loans have been made over the last 4, 5, or 6 years under the administration of President Reagan, almost all of them, tens of millions of dollars going to the government, as the gentleman from Florida [Mr. McCOLLUM] described it.

The President has the authority to stop those loans whenever he wants to. He could have stopped them 5 or 6 years ago. He could have stopped them 3 years ago or 2 years ago. He could have stopped them this year. He has chosen not to.

In fact, a further irony is that what the Washington Post described as a group of conservative Republican Congressmen tried to stop these loans and, of course, the Reagan administration was in the court arguing against it and trying to continue the loans.

As I say, my inclination is to support the amendment. I will be supporting the amendment. But I do think that it is ironic that, under the leadrship of President Reagan, we have made most of the loans and when Congressmen tried to stop him, he fought it.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yeild?

Mr. NEAL. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I would just like to concur that there is irony in this. I am thankful that the gentleman is going to support this amendment because of the very reason the gentleman set forth here, a conservative President Reagan, and a fairly conservative Democratic President Carter allowed this to happen. I think this is why Congress needs to put it in law. A lot of people have thought that we did not need to do it. But if the most conservative we have are going to let it go on this long, that is every good reason why we need to take some steps to make sure it does not happen in the future.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I find it difficult to concur in the gentleman's line of discussion, but I do agree. I think there is fuzzy-headed thinking on this particular issue.

I think the State Department, in particular the gentleman in charge of the African affairs for the State Department, Mr. Crocker, has led us down the primrose path in a number of areas, not the least of which is Angola.

Mozambique, you will recall in the foreign aid bill last year, they were asking not only for economic aid to support the Communist government of Mr. Machel over there, but they were also asking for military assistance.

So I agree with the gentleman. Although I love this President dearly and I think he is doing a great job, I think in this particular area the State Department has led him down the primrose path.

Mr. LAFALCE. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from New York.

Mr. LAFALCE. Mr. Chairman, I am going to support the amendment of the gentleman from Florida [Mr. McCOLLUM], although it is usually my disposition to oppose such amendments. The reason is to try to bring about clarification of the Reagan administration policy.

It seems ironic anomalous to me for the Reagan administration to be seeking support, either overtly or covertly, for forces under Savimbi opposed to the present Angolan Government and,

at the same time, to be giving financial assistance through the Eximbank that has the direct effect of buttressing the existing government.

Primarily to crystalize the issues involved, I am going to be supporting the amendment of the gentleman from Florida.

Mr. NEAL. Mr. Chairman, before closing, let me say that it will be interesting to see how much support we get in the future when we try to get this body involved in some foreign policy consideration. The reason I mention that is because I have heard so often, especially from the other side of the aisle, that oh, no, foreign policy is the exclusive right of the administration and we should never become involved in it. Of course, I disagree with that comment and I think this will be a good precedent for some further involvement in the future.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Bible warns that a house divided against itself cannot stand for long. If there is even a grain of truth in this maxim, then our policy toward Angola must surely fall, for it could not be more divided. Recent reports indicate that the Reagan administration is currently providing some $10 to $15 million in military assistance to Jonas Savimbi and his rebel group UNITA battling the Marxist government of Angola. This much is perfectly understandable and in line with the administration's policy of assisting freedom fighters who struggle against Communist oppressors throughout the world. UNITA is classic example of a rebel group deserving of our assistance and support, since they are in direct conflict with over 35,000 Cuban troops in Angola. These Cuban troops, along with Soviet and Soviet-bloc advisors, allowed the Marxist government of the Popular Movement for the Liberation of Angola [MPLA] to seize and maintain power since 1975 in spite of the widespread popular opposition.

At the same time the President is discussing the possibility of funding this group of anti-Communists dedicated to overthrowing the Marxist regime in Angola, our very own Export-Import Bank, an official United States Government agency, is in the process of disbursing better than $100 million in loan guarantees and credits to the Government of Angola to finance an offshore oil development project being jointly undertaken by Gulf Oil and Sonangol, the State owned company of Angola. In fact, this latest portion of loans is only a fraction of the total of United States taxpayers dollars at risk in Angola. The National Security Council, in a report published last year outlining the U.S. role and options in Angola, estimates that the Eximbank has guaranteed some $250 million in loans to the Government of Angola. In other words, the U.S. taxpayers are at risk of losing up to $250 million if Angola defaults on its loan obligations. And President Reagan is in the process of providing funds to a rebel group that, if successful, will cause just that: A complete default on all loans at a cost of over $250 million to the U.S. taxpayers.

Angolan oil revenues, according to most estimates, were approximately $2.5 billion last year, and represented nearly 90 percent of total exports. Approximately 75 percent of the oil was pumped by Gulf-Chevron and Sonangol from a joint venture in Cabinda, a joint venture financed in large part by Eximbank backed loans. And more loans from the Eximbank will assist in the expansion of the Cabinda oilfield to increase capacity from the current 220,000 barrels per day to 500,000 per day by 1990.

What is the significance of the revenue that Angola earns from its U.S. financed oil developments? Simply this: Approximately 60 percent of the hard cash derived from this oil goes to pay to keep the Cuban expeditionary forces in Angola and buy Soviet arms for them and their MPLA collaborators. Thus, United States assistance is being used to prop up the Marxist government of Angola, at the very same time that we are providing United States assistance to topple that government. As Dr. Savimbi said during his recent visit to Washington, "Without Gulf, I don't think MPLA could have money to carry on the war. Gulf is hurting us. It's helping the Russians and the Cubans to entrench themselves in our country."

The question that we must ask is how could this perplexing state of affairs have evolved? Eximbank officials don't deny that the loans have been made, nor that more are soon to be disbursed. Rather, they claim that there is nothing wrong with this under current U.S. law. But the law, chapter 12, United States Code Supplement, section 365, seems very straightforward. It says: "The Bank in the exercise of its functions shall not guarantee, insure, or extend credit, or participate in any extension of credit in connection with the purchase or lease of any product by a Communist country." While the list of Communist countries under chapter 22, United States Code Supplement, section 237, doesn't include Angola, it specifically states that the term "Communist country" is not limited to those listed. It is true that the President may waive the provision prohibiting the extension of credit, but only in three narrow circumstances: First, if "such assistance is vital to the security of the United States," second, if the "recipient country is not controlled by the international Communist conspiracy," or third, if "such assistance will further promote the independence of the recipient country from international communism." One could argue about the merits of these exceptions, but the fact remains that neither the President nor the Secretary of State has ever invoked any of these exceptions. And Angola, as even its most loving supporters and apologists admit, is a Communist country run by a Marxist-Leninist dictatorship slavishly loyal to Moscow. Our own State Department, in a rare moment of anti-Communist candor, has even recognized this fact, calling Angola a Marxist people's republic.

But the Eximbank reasons that Angola can't be Communist since "foreign commercial enterprises can freely operate there." That bit of logic is mindboggling, given the fact that the very mother of all communism, the Soviet Union, allows foreign commercial enterprises to operate there freely. I suppose that as far as the Eximbank is concerned the Russians aren't Communists either.

What this means, then, is that in spite of U.S. law and in direct contravention of the will of Congress, the Eximbank is guaranteeing millions of dollars of loans to a Communist country that the United States does not even officially recognize and, in fact, is actively seeking to overthrow. Therein lies my confusion. But rather than merely sit back and ponder the vagaries of this whole situation, several of us here in Congress decided to take action—we sued the Eximbank to enjoin the disbursement of this latest $100 million loan package to Angola. Since Congress had clearly spoken on this issue, and the Bank has chosen to ignore a straightforward congressional directive, we believed it was essential to take this step.

And now, to our considerable amazement, yet another perplexing action has been taken by this administration: The Department of Justice successfully filed a motion with the U.S. district court that dismissed our suit. Obviously, their motives were to protect the administration from the embarrassment which a full-fledged trial would bring. In support of the dismissal motion, the State Department claimed that Angola is not a Communist country, and that labeling it a Communist country "could have a substantial impact on the United States-led negotiations with Angola and South Africa over the issues of Cuban troop withdrawal and the implementation of United Nations Security Council Resolution 435 for the independence of Namibia."

In other words, to avoid angering Angola and embarrassing the administration by pointing up the folly of its policy toward Angola, the administration preferred that our suit not reach

the merits. They seem to be saying that the Eximbank should be allowed to disburse its loans to Communist Angola as discreetly and quietly as it has done in the past. As I stated earlier, a house divided must surely fall, and when this "divided house" finally falls, the embarrassment for someone is this administration is going to be acute, and the cost to U.S. taxpayers will be great—in the neighborhood of $250 million. For this reason, I would urge my colleagues to support the McCollum amendment that would prohibit Eximbank loans to Angola until such time that the illegal Cuban presence is withdrawn.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to this amendment, not because I am sympathetic to the MPLA or to the Government of Angola, but because of a broader concern I have with the use of foreign policy controls that place restrictions on U.S. businesses attempting to compete in the world economy.

We now have economic sanctions or export controls on a variety of countries including the Soviet Union and the Eastern bloc countries, North Korea, Cambodia, Vietnam, Nicaragua, and Libya.

□ 1415

When the House was in session before the break, we passed upon a disinvestment measure involving South Africa. There are others who want to see economic controls placed on the Government of Chile. Mr. Chairman, we are in a political environment now where we want to promote U.S. values to other countries. If these nations do not subscribe to those values or deny human rights to their people, we resort to economic sanctions or trade embargoes.

The problem is that the United States is the only one to engage in these policies. We are going it alone. Because they are unilateral economic restrictions, in most cases they do not work effectively. They do not work because other countries, for whatever reason, fail to join us in these economic sanctions. The result is that the French and the Japanese and the others are only too happy to step in and pick up where the United States is denied a market.

Mr. Chairman, I would like to leave for the RECORD two statements that were made before the Subcommittee on International Economic Policy and Trade concerning the overall economic costs of the use of economic sanctions.

The first comes from the President's Commission on Industrial Competitiveness. That Commission found that—

Foreign policy controls have an estimated cost to the U.S. economy of $4 billion in lost sales per year. Such losses substantially erode competitiveness. In addition, the unilateral imposition of controls erodes the reputation for reliability of U.S. industry around the world, not just in the target nation. Reliability and "contract sanctity" are fundamental to long-term business relationships.

This comes from the President's Commission on Industrial Competitiveness.

The other statement comes from a witness before the committee representing the Heritage Foundation, that, "In the area of export controls for countries with human rights violations, for example, the report," and he is referring to the Secretary of Commerce' report to the Committee on Foreign Policy Controls, "the report notes that no other countries have imposed such controls, that products comparable to those from the United States are available in countries without export controls, and that such controls are largely of symbolic value."

He goes on to say that,

Although the report cities only $7.5 million of lost exports due to such controls, this amount includes only the value of export licenses denied in 1985, and cannot, therefore, estimate the total loss of exports.

Mr. Chairman, the concern I have is with the exclusive use of economic controls to carry out this country's foreign policy objectives. We have to ask ourselves whether those controls are effective and why other countries do not join in a more multilateral approach if we want to see human rights restored to many of these countries.

I would seriously question the effectiveness. I think there is another approach if we want to rely on economic sanctions. If we really want to hurt a recalcitrant country, what we ought to do is place import restrictions on that country's ability to bring products into this country and thus bring about higher foreign earnings.

To continually use what is the most expedient and the most convenient policy, that is, economic controls on exports, we are not bringing that country to its political knees; we are not being effective in carrying out the policy. The only ones we are punishing are U.S. businesses.

Even though the amendment on Angola is largely symbolic, because there are no Exim loans pending, we know the President can deny those loans at any time, so we have to look at the overall effect of the use for foreign policy controls and what they are doing to our competitive position.

Mr. MCKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be terribly brief about this because I see other Members who are impatient to speak. I think that we are faced with the fact that there is an up-side and a down-side to everything.

I, myself, would like to use the Eximbank for many reasons, and I greatly respect the gentleman from Florida for putting in this amendment because I happen to hate the government which he hates. But the fact of the matter is, we either have an Eximbank or we make it a diplomatic tool of the State Department and of the whim of Congress. That is the down-side of the issue.

This bank must, despite the goodness of the cause, be kept free. The President of the United States, be he Ronald Reagan, a Republican now, or anyone else that comes along, has the right to turn down any loan; has the right to refuse process of an Eximbank loan.

We cannot take this bill for the future our United Technologies, our farmers, our General Electrics, our everyone else, and play politics with it. We have to hope that there will be the consensus of fact that the Angolan Government does not deserve a dime. We have to hope that there will be the fact recognized by those in charge that in fact Communist countries do not need any help.

We have to hope that the Eximbank will not make loans to businesses that will compete back with the United States. Why do I say hope? It is because if, in fact, we turn around and make this bank a political tool, an expression of the whim of this Congress which makes us feel good for the day, we have in fact destroyed the issue of what we are doing.

Do you know that the British Government financed entire L-1011's, entire aircraft for 4.5 percent because in fact it is British social policy that x number of people will make jet engines at Rolls-Royce, which the plane was equipped with and for every two planes there are seven engines.

I could go on and on. I could talk about the A-300's and the two free ones that Frank Borman got and they did not help him much; he still had to sell the airlines. The fact of the matter is, that is unfair credit competition, and that is what this country faces.

This bill should not be littered with the political flotsam and jetsam of what goes on in this House at the moment. We all should remember that what the Eximbank is here to do is to supply American industry with the credit that is necessary to compete in a world where everybody, Japanese, French, German, English, Taiwanese, cheats. Only the United States is "Uncle Sucker." I would suggest to you that by putting this bill under the condition of the political mood of the moment, it is the real down-side of what we are doing.

I admire the gentleman from Florida, and I hope the Angolan Government goes bankrupt and I hope the damn Cubans leave, but I do not want to clutter up the Eximbank.

There is an amendment coming forth from a good friend of mine which is a prounion amendment; there is a union alert out on it. I think he is right, but we do not clutter up the Exim legislation with that amendment.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman.

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I have a mutual respect for the gentleman from Connecticut; he has indeed a lot of wisdom in this House. I also support his belief that we need to have integrity in the Eximbank system. The gentleman and I share that.

There is one area where the gentleman and I differ on, I think, in the reasoning on this, if I might pursue it just to make the point. That is that there are already some dozen countries or so that are listed on the list as Communist countries that Eximbank loans cannot be made to.

By a fortuitous circumstance, MPLA came into being after that list was composed. It has a lot more down-sides to it than some of the countries on the list.

□ 1425

We have waived that. We have waived the provisions with regard to some of those countries that are Communist. If they should ever come back in good graces, we can waive it for them, too.

Mr. McKINNEY. Mr. Chairman, if the gentleman will allow me to continue for one second, since I have yielded to him, I would simply say that I have opposed every single possible move in the diplomacy on the Export-Import Bank, and I will continue to do so.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. McKINNEY] has expired.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is clear that this amendment is about to be agreed to, but I think that as we move toward its passage there are a couple of points that should be noted by the membership.

The effect of this amendment is pretty nominal since it really does nothing more than reiterate the current policy of restricting Export-Import Bank loans to Angola. The fact is that there have been no new loans to Angola for the past 2 years. The amendment grants no needed authority to the executive branch since the administration already has that authority, under the Chafee amendment to the Export-Import Bank Act, to disapprove any Export-Import activity which runs counter to our foreign policy. That is the authority the administration has been using for the past 2 years to restrict Export-Import Bank loans to Angola.

The administration has stated very clearly in a letter to the chairman of the Committee on Banking, Finance and Urban Affairs what the current policy is, and I would like to quote the administration's observations in that regard:

> We will not approve U.S. exports to Angola with a military end use, and we will not support loans which would increase Angola's ability to earn foreign currency and thus fund its war against UNITA until the Angolan Government demonstrates a clear intent to reach a negotiated settlement.

Therefore, an amendment which mandates already existing policy and provides already existing authority has little apparent effect.

There is, however, one consequence that we ought to note, and that is that this amendment may well represent a potential windfall for Angola of some $211 million. It is notworthy, I think, that Angola has been very careful in meeting its payment schedule to the Eximbank. The current exposure of the Export-Import Bank in Angola is $211 million. Therefore, the potential risk to us and the potential windfall to Angola is also $211 million. I am not sure that makes a lot of sense from a taxpayer's standpoint.

Finally, the last observation I would like to make is to those who see this amendment as a major contribution toward achieving the goal we all share, which is the removal of Cuban troops from Angola. I would only note that the key to getting the Cuban troops out of Angola is getting South Africa out of not only Angola but also the neighboring country of Namibia, which it continues to illegally occupy. One of the diplomatic effects of this kind of amendment is to reinforce the anti-Angolan military alliance that we have in effect entered into with South Africa, a relationship which I submit is compromising American interests profoundly. We are now being perceived, throughout southern Africa, as aiding and abetting apartheid in a very active way.

Mr. Chairman, I do not think that makes a lot of sense from the standpoint of American national interests. Yet this amendment will only reinforce that preception—and thereby play directly into the hands of the Soviets and the Cubans within the region. I repeat: that makes no sense, not if our goal is the protecting of American interest within southern Africa.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, one of the previous speakers on this side of the aisle said that he hopes the "damned Cubans leave Angola." Well, the truth of the matter is that the "damned Cubans" are not going to leave Angola as long as we continue to support them.

One of the previous speakers on that side of the aisle was critical of President Reagan in saying that this program is going on in support of the Angolan Government and has been going on for the past 5 or 6 years during his administration. Let me just remind everyone in this House that under this administration and under this great President he has probably formed fewer bureaus, agencies, and bureaucracies than any other President we have had, because sometimes these monster bureaucracies run away and get out of control, and maybe that is what has happened with this kind of aid going to the Angolans.

Mr. Chairman, as the ranking member of the Subcommittee on Human Rights of the Committee on Foreign Affairs, I rise in very strong support of the amendment offered by the gentleman from Florida [Mr. McCOLLUM], following a process that we started last year when we finally repealed the so-called Clark amendment.

Mr. Chairman, at a time when the Federal budget is under assault—when every possible means of reducing the size of the budget and its deficit must be considered—it makes absolutely no sense to ask the American taxpayers to prop up a Communist regime n Africa. And make no mistake: The MPLA regime in Angola is a Communist regime that denies every basic standard of human rights, a regime that has never followed through on its promise to hold elections, and, not surprisingly, a regime that must rely totally on foreign troops—in this case, 35,000 Cuban Communists—in order to stay in power.

The United States does not even maintain diplomatic relations with Angola. And yet the American taxpayers have thus far shelled out more than $150 million to enable the MPLA regime to remain in power. These funds go to support the activities as was mentioned here before of Chevron/Gulf, which pumps the oil that provides Angola with nearly 90 percent of the country's export earnings—money which then goes to Cuba in order to pay for the troops in Angola that protect the MPLA regime from the Angolan people. It's a shell game unlike any other.

Mr. Chairman, the time has come to end this outrageous abuse of taxpayer money. If Chevron/Gulf has no moral reservations about doing business in a Communist police state—the legitimacy of whose regime the U.S. Government does not recognize—they can at least carry on without the support of the American taxpayers.

I urge support of the amendment.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding. I would like to make just two or three quick comments, and then the gentleman may ask for additional time if he needs it.

First of all, it has been said by others that this really is an inappropriate place to deal with foreign policy, that the Export-Import Bank should not be tainted with foreign policy problems and we should not be using it for sanctions. But we are really not talking about sanctions. Sanctions imply taking away a right. As far as I am concerned, if a company manages to get an Export-Import Bank loan, it is not getting it as a matter of right; it is a special privilege given by the U.S. Government and the taxpayers who support the U.S. Government.

Second, I would make the point that this amendment, it seems to me, should not be necessary in the first instance.

The charter of the Export-Import Bank specifically forbids expenditures of aid to Communist countries, and it is the State Department, through its tortuous definition of "a Communist country," which provides the reason why this amendment is necessary. The charter clearly speaks out and says that no loan should be given to Communist countries. So really we are debating an amendment which unfortunately is made necessary by an interpretation of the word "Communist," by our own State Department.

Finally, I would just grab this quick opportunity to say that I would hope the defense authorization bill would receive the bipartisan support that this amendment is getting here. In that particular bill I would make sure that no DOD money is given to any U.S. corporation doing business in Angola. That is sanctions, I realize, but that is important.

Mr. Chairman, I thank the gentleman for yielding.

Mr. SOLOMON. Mr. Chairman, let me say that the gentleman certainly has my support when that DOD bill reaches the floor of this House.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the distinguished member of the Foreign Affairs Committee.

Mr. BONKER. Mr. Chairman, the gentleman made reference to Angola's future earnings and the fact that 90 percent of their earnings comes from the Gulf Oil Corp.'s operation in Upper Angola.

Mr. SOLOMON. That is export earnings.

Mr. BONKER. Export earnings. But would the amendment in question have any effect on Gulf's operation there? I do not believe it does.

Mr. SOLOMON. I think it would. Let me just say this in support of that.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 1 additional minute.)

Mr. SOLOMON. Mr. Chairman, if I may continue, as the gentelman from New Jersey mentioned before, we are not talking about economic sanctions; we are merely talking about American taxpayer dollars. We are not talking about preventing trade. As a matter of fact, the gentleman who brought this up said himself that this may not even affect Chevron/Gulf. They may continue to do business, but they will do it without American taxpayer dollars. That is the point I was trying to make here today.

Mr. PEPPER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I do not think there is any dispute about the fact that the Government of Angola is a Marxist government put in power and sustained in authority by the Soviet Union, which, within the last year, according to my information, has afforded something like $1 billion or $2 billion in funds to the Government of Angola, with an undefined amount of weapons and number of military personnel.

In addition to the Soviet Union's sustaining the Government of Angola, we also know that there are some 25,000 to 30,000 troops, regular army Cuban troops, which are there to support and sustain the government, and that the Government of Angola has paid Castro for the support of those troops, and he is using that money to foster the Communist aggression in Central America and the Western Hemisphere.

□ 1435

In addition to that, it is also well known that North Korea, one of the staunchest Communist regimes in the world, is also definitely in Angola with personnel and other assistance; so it is quite natural that my distinguished friend and colleague, the gentleman from Florida, should offer this amendment that we should not give American taxpayers money to sustain that kind of government and to support Cuban troops in there to maintain Communist principles in that part of the world.

They, too, are entitled to the right to liberty. When Franklin Roosevelt enunciated the Four Freedoms, he said that there should be freedom from fear—everywhere in the world, and the people of Angola are entitled to the right to live free lives and enjoy the protections of free institutions, as well as people in other parts of the world.

So I commend my colleague and friend for offering this amendment. I support it and until the President certifies that all foreign troops are out of there sustaining this Communist regime in Angola, we should certainly not give them any American assistance.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words. I rise to speak in support of the amendment.

Mr. Chairman, I just want to say a couple things. The first thing is that I think we need to keep our eye on the ball and the activity we are attempting to stop is the activity that is promulgated by the 40,000 some odd Cuban troops who are in Africa. Make no mistake about it, according to the information we have and as was stated by the gentleman from Florida [Mr. MCCOLLUM], these Cuban troops have traveled halfway around the world at the behest of the Soviet Union to kill black Africans and that is the enterprise they are engaged in.

They are being paid for by an American company, an American oil company.

I would just like to remind my colleagues that if the Soviet Union sends Cuban troops to Asia, they have to pay for it. If they send them to Central America, to Nicaragua, they ultimately have to pay for them.

Ironically, if they send them to Angola, to Africa to kill black Africans, the United States helps to subsidize that particular activity and an American enterprise, assuming that Chevron is an American enterprise, pays for that activity.

I think we have to keep our eye on the ball and I think it is absolutely appropriate that we undertake this measure by the gentleman from Florida [Mr. MCCOLLUM] to try to set this situation straight, or at least to send a meassage, and this Congress is in the business of message sending, to the effect that we will no longer have this schizophrenic foreign policy.

I do have one question for the gentleman from Florida [Mr. MCCOLLUM]. I think it is an important question here, because I understand that the Government of Angola is contemplating doing something with immigration, naturalizing, for example, these Cuban troops and calling them citizens in an attempt to get around this.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield, my understanding is that they have already granted the opportunity for citizenship to these Cuban troops in Angola. Now, I do not know that many of the Cubans have taken them up on that, but that is my understanding of it.

Mr. HUNTER. Well, my question is, though, to the gentleman that promulgates the amendment, will they be able to get around this amendment by going through some sort of a phony naturalization process with the Cuban troops? In other words, to say we no longer have Cuban troops in our country, we do have find Angolan citizens who just happen to be recently of the Cuban military.

Mr. McCOLLUM. Well, I certainly hope that they are not. It is the intent of this Member writing this that maybe we can establish some CONGRESSIONAL RECORD here right now that any sham transaction of that nature to get Cuban troops to become citizens of Angola, to stay there and to buttress their situation and to be joint citizens with Cuba is not in the interests of this amendment and was not the intent of this amendment.

I would think from my interpretation and meaning in writing this amendment that the Cuban would have to renounce and give up his Cuban citizenship and become a true Angolan alone and not for these phony dual citizenship deals to get around this process.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to my friend, the gentleman from Michigan.

Mr. SILJANDER. Mr. Chairman, I thank the gentleman for yielding.

As the ranking Republican on the African Subcommittee of the House Foreign Affairs Committee, our information is that between 8,000 and 10,000 Cubans are now so-called naturalized citizens of Angola. Therefore, the number of Cubans officially is still around 35,000, but the real number is closer to 43,000, 44,000, or 45,000.

The real issue is should the taxpayers of America subsidize a loan to foreign countries at under 10 percent interest when the farmers of this country cannot get a loan for 12½, and the country we are subsidizing is a Communist country that has a residency of 35,000 Cuban troops who are loaned to the government and the very corporation essentially paying $1,000 per Cuban mercenary per month to Castro to keep them there.

I do not think the American taxpayers if they really knew the details of this issue would even remotely in a stretch of distorted argument of imagination agree with this type of amendment.

I thank the gentleman for yielding, because that is the crux of the issue. Should we as Americans or should we not subsidize 35,000 Cuban troops and another 8,000 so-called naturalized Cuban citizens to persecute the people of Angola. That really is the issue.

Mr. HUNTER. Mr. Chairman, I thank the gentleman and urge support for the amendment.

Mr. MACK. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I want to commend my colleague, the gentleman from Florida, for offering this amendment.

I guess that there are probably a number of folks who are participating today who we will recognize from the State of Florida. One could conclude that this is merely a political statement that is being made by those of us from Florida.

What it really represents is a true very strong feeling on the part of us who represent Florida, who have a very, very small constituency, in my case for example, who are American Cubans. What they are saying to us is that this country through no mechanism, whether it is a question of taxpayers or whether it is an agency of the Federal Government, no mechanism of this Government should be used for the purpose of supporting Castro indirectly, because that is exactly what we are doing. We are allowing 35,000 to 40,000 Cuban troops to exist in Angola fighting those people who are trying to return freedom to their friends and neighbors. That is what it is all about, not the question of what the taxpayers' dollars do. That is second.

The primary issue is are we going to do something to stand up for freedom? For that reason, I support the amendment.

It is interesting why we are even having the debate. I came on the floor and was surprised, frankly, to find that we were getting so much support from the other side. As I understand it, the amendment offered by the gentleman from Florida [Mr. McCOLLUM] was supported in the subcommittee and then was rejected by the full committee, which set up the necessity to have this discussion on the floor.

I am glad we have this opportunity, because those of us who are concerned about this issue want to have an opportunity to raise it throughout the country so that the American people have a better understanding of what is going on.

In addition to that, there is a second reason for discussing it here and that is because the State Department, or even for that matter the President, could change his mind and allow those funds to flow again.

What we are saying today is that this is not a political whim of the moment. What we are asking for is a recognition of the political reality of the day and that reality is that the President, the State Department and the American people, no longer want to see any kind of support for the Angolan Government.

For the reason I support the amendment and again commend my colleague, the gentleman from Florida.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, my remarks will be brief. I have been very concerned for some time about the entire southern tier of Africa. I serve on the African Subcommittee. It has been a real concern to me that the State Department for some time has not chosen to declare Angola, Mozambique, and other countries, known Communist countries so that Eximbank loans and other moneys can get through to those governments. It mystifies me, especially when the President is so strongly for freedom and against the Communist movement in this world. It bothers me a great deal that these Eximbank loans, as has been stated previously, are subsidizing Mr. Castro's efforts in Central America, because they are paying approximately $1,000 a month for each trooper that is over there in Angola. That money then goes back to Castro so that he can use his troops in other parts of the world to expand the cause of Communism.

The gentleman from Florida [Mr. PEPPER] made some very salient points. It is nice to know that a man of his caliber rises in support of this amendment. He has been an anti-Communist for a long time. He represents people in Florida who have fled Cuba because of the Communist terrorism that takes place in that country.

I think it is wrong for our Government to give taxpayers' dollars to any Communist government in the world, but in particular one that we have chosen to oppose. Our President has chosen with the help of Congress to give support to Mr. Savimbi who is fighting for freedom in Angola, and because of that commitment it makes no sense to me whatsoever to see Eximbank loans going to the very government we are trying to change. It makes no sense to me to see a government like Mozambique in the last foreign aid bill to get a recommendation from the State Department that they get not only economic aid, but military aid as well, when they have killed 70,000 of their countrymen through Communist tyranny and gulags and other terrorist camps.

So I support this amendment. I wish it went ever further, but it goes about as far as we can go at this particular moment.

I want to congratulate the gentleman from Florida for taking the initiative to get this amendment on the floor.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. Yes, I yield.

Mr. McCOLLUM. Mr. Chairman, I want to thank the gentleman for getting up twice now to support this

amendment. I think in speaking both during the time I had the debate and now the gentleman has emphasized some clear points from the perspective the gentleman has on the Foreign Affairs Committee, as have a number of my colleagues from that committee who have spoken today.

It is ironic, as the gentleman from New Jersey said a few minutes ago, that the State Department interpretation of what a Communist country is has not allowed the placing of Angola and the MPLA government on this list a long time ago. It is even worse, as the gentleman has pointed out, that we have this civil war going on down there and are supporting Mr. Savimbi yet with the potential for giving Eximbank loans to his Communist government opponent.

When we add that into the fact that these are Cuban troops we are talking about and our money through this whole chain is going back to support Castro in Cuba, 90 miles off our coast, it is even worse. It is a ridiculous state of affairs.

I really do appreciate the gentleman getting up and I urge my colleagues to support this amendment.

Mr. LAFALCE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman.

Mr. LAFALCE. Mr. Chairman, the gentleman from Florida has pointed out how the gentleman in the well has risen in an unusual manner on the amendment twice. The gentleman also spoke against communism.

I am just wondering, does this mean the gentleman is 200 percent opposed to communism, as opposed to 100 percent opposed to communism?

Mr. BURTON of Indiana. More like 1,000 percent.

Mr. LAFALCE. All right, I just wanted to clarify it. I thank the gentleman.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for his 1,000-percent support for this amendment.

Mr. BURTON OF Indiana. Mr. Chairman, I just would like to close by saying if the gentleman chooses to introduce another amendment which will cut off moneys in the pipeline going to the Angolan Government through the Eximbank, I will be glad to support that as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAHALL: Page 9, after line 2, add the following new section:

SEC. 12. LIMITATION ON ASSISTANCE WHICH WILL ADVERSELY AFFECT THE UNITED STATES ECONOMY.

Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end thereof the following new paragraph:

"(11) LIMITATION ON ASSISTANCE WHICH WOULD ADVERSELY AFFECT THE DOMESTIC ECONOMY.—

"(A) IN GENERAL.—The Bank may extend no direct credit or financial guarantee in support of any export to any foreign entity if—

"(i) the export will be used or is intended for use in the production or manufacture of any commodity, mineral, material, or product which is produced or manufactured in substantial quantities in the United States; and

"(ii) the production or manufacture of such commodity, mineral, material, or product by such foreign entity will result in—

"(I) the importation of more than an inconsequential quantity of such commodity, mineral, material, or product into the United States; and

"(II) a net domestic increase in unemployment in the United States over the period during which any portion of the amount of such credit or guarantee is outstanding.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply with respect to any extension of credit or a financial guarantee which the Bank determines is—

"(i) in the strategic interest of the United States; or

"(ii) necessary to counter any unfair trade practice or unfair and predacious export financing practice of a foreign country.".

Mr. RAHALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. ANTHONY). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Chairman, while the majority of the Export-Import Bank's credit, loan and loan guarantee activities may very well benefit this Nation's effort to revitalize its industrial and manufacturing sectors by promoting the export of U.S. goods, the Bank has been involved in certain transactions which have the effect of fostering the development of foreign projects which manufacture or produce commodities that are subsequently exported to the United States in direct, and often unfair, competition with our own domestic industries.

With unemployment levels still at an all-time high in many of our basic industries that comprise the heartland of America, does it make sense for the Eximbank to be providing assistance for the development of the largest surface coal mine project in the world located in Colombia, with production solely for the export market, including the United States which has its own vast reserves of coal?

Does it make sense for the Eximbank to promote the expansion of copper mining and smeltering operations in Mexico at a time when these copper imports into the United States have contributed to the loss of over half of the domestic copper jobs?

And, does it make sense for the Eximbank to support the construction of steel mills in Brazil which, in turn, promotes steel imports into the United States in direct and often unfair competition with our own already depressed steel industry?

I do not believe workers in the United States want their governmental entities supporting foreign projects that are contributing to the loss of jobs and employment opportunities in this country.

The amendment I am offering, along with SANDY LEVIN of Michigan, would prohibit the Eximbank from providing direct credits or financial guarantees to foreign entities in situations where the project in question would produce or manufacture any commodity, mineral, material, or product that is also produced or manufactured in substantial quantities in the United States, would be exported into this country, and would result in a net domestic employment loss calculated over the time during which the Eximbank assistance would be outstanding.

There would be two exemptions to this prohibition, making it inapplicable if the proposed transaction was in the strategic interest of the United States or necessary to counter any unfair and predatory foreign trade practices.

Mr. Chairman, it is time we cease the shortsighted policy of the Export-Import Bank in certain of its transactions. For example, when the Bank approved a support package of up to $850 million to the Colombian Government for the construction of the El Cerrejon coal mine, certain domestic equipment manufacturers did benefit by exporting machinery to Colombia. But this was a short-term gain, economically and employment wise, compared to the long-term damage done to our balance of trade, domestic coal industry and coalfield employment caused by coal imports from Colombia.

Specifically, when the Eximbank examined the Colombian proposal for assistance, it found that its approval would facilitate the export of $500 million of United States goods to that country with a possible, and I emphasize, possible, additional $350 million.

Yet, already in its first fully operational year, El Cerrejon has entered into two contracts with U.S. electric utilities that amount to over $514 million worth of imported coal. I repeat, this was accomplished in the project's first year and El Cerrejon has a 23-year operational life.

As Colombian coal imports continue to escalate, there can be no doubt that this Eximbank transaction will extract a cruel toll in United States coalfield

employment far exceeding the amount of employment gained through equipment sales to El Cerrejon.

This is the type of foreign project my amendment would address. Projects such as this shows that Eximbank's current so-called adverse impact procedure contains some very glaring loopholes.

Do not let anyone tell you my amendment would close down the Eximbank. The amendment is narrow in scope and only addresses those proposed transactions which lead to the export of commodities and other items into the United States that cause a net long-term increase in domestic unemployment.

I would also advise my colleagues that this amendment has been modified somewhat from my original proposal and as such, incorporates several of the concerns that have been raised. I am pleased that the gentleman from Michigan, a member of the subcommittee with jurisdiction over the Eximbank, is joining me in offering the amendment and I urge its adoption.

□ 1450

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I am glad to yield to the distinguished chairman of the subcommittee.

Mr. NEAL. Mr. Chairman, let me say first of all that I am an admirer of the gentleman.

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from West Virginia [Mr. RAHALL] has expired.

(On request of Mr. NEAL, and by unanimous consent, Mr. RAHALL was allowed to proceed for 3 additional minutes.)

Mr. RAHALL. I yield to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL. Mr. Chairman, the gentleman from West Virginia [Mr. RAHALL] is a great Congressman. He is looking out for his people. I understand that and I sympathize with him.

Mr. Chairman, I want to ask him if we could not maybe modify his amendment a little bit. I think that in its present form it would do great damage to Eximbank, and I have a suggestion: A possible amendment to his amendment that I believe would allow him to accomplish essentially what he is trying to accomplish, and yet would not do great damage to the Eximbank.

The amendment would add at the end of his amendment a third exception. He has listed two already. This third exception would read as follows:

For the financing of American exports to any foreign entity which would in the absence of such financing nevertheless produce or manufacture such commodity, mineral, material, or product.

In other words, what this would say is, if the proposed project would go ahead anyway, whether or not we finance it, and the product of that project, whatever it might be, would come into our country anyway, then the gentleman's amendment would not apply.

Mr. RAHALL. Mr. Chairman, I appreciate the effort of the subcommittee chairman to modify my amendment with his, adding a third exception. I must say, though, that that is a loophole through which there would be many financing projects that would be allowed to proceed which I am trying to stop which would have a net adverse impact upon employment in the United States.

The gentleman is making an exception, as I understand the amendment, for those projects that could go elsewhere and obtain the money and would proceed anyway, whether they had Eximbank financing or not.

Mr. NEAL. Exactly.

Mr. RAHALL. Now I say to the gentleman that that is going to happen. There are plenty of other countries that would be willing to finance that project, so it does not make any sense in my opinion to still allow that to happen. If Japan or some other country wants to finance unemployment within their boundaries, then I say let them do it, but let us not have the American Government, the U.S. Government, continue to use American taxpayer dollars to finance foreign projects that then put our workers out of jobs. Let them go elsewhere.

Mr. Chairman, I would therefore respectfully have to oppose the gentleman's amendment to my amendment, if I understand that that is the way that he is offering it.

Mr. NEAL. I thought that the gentleman might accept it. I am going to offer it, and then we can have a little further discussion concerning it if the gentleman does not mind.

Mr. Chairman, I have an amendment at the desk. It is an amendment to the Rahall amendment.

The CHAIRMAN pro tempore. The Chair would advise the gentleman from North Carolina that the gentleman from West Virginia is still speaking under his own time constraints, and after he is finished, the gentleman will be recognized in the regular order.

The gentleman from West Virginia may continue.

Mr. RAHALL. Mr. Chairman, let me say in further response to the gentleman from North Carolina, the subcommittee chairman, that I have narrowed this amendment down from its original introduction, as we have discussed on a number of occasions.

This amendment is very specific in its intent, and that is to prevent the American taxpayer dollars from financing foreign projects that manufacture commodities or materials that then are imported into the United States when the United States is producing or is capable of producing those products in substantial quantities to be able to rely upon our own resources. That is the intent of the amendment, and I would say that any other modification of it any further than what I have already done would really be a killer amendment, and I do not feel that it would carry out the intent of the sponsors of the amendment.

It should be noted that the meaning of the term "foreign entity" in the amendment is to be construed in its broadest sense and includes all direct and indirect foreign entities proposing the Eximbank assistance such as foreign governmental entity as well as any subsequent foreign entity such as a company on whose behalf the assistance is being proposed. The phrase "commodity, mineral, material or product" should also be broadly construed and covers all produced or manufactured items with the exception of services. The use of the term "substantial quantities" is meant to allow assistance to foreign projects which would lead to exports to the United States of items not domestically produced or manufactured, such as certain strategic and critical minerals, or are produced domestically but in quantities not adequate to fully meet the defense, industrial and commercial needs of the Nation.

In addition, the import sensitivity of a domestic industry would not be a consideration. The key criteria is that imports of more than an inconsequential quantity would be fostered by the development of the foreign project and these imports calculated over the time during which the Eximbank assistance would be outstanding would lead to a net domestic employment loss.

By the term "inconsequential quantity" I am seeking to allay concerns that, say 1 ton of steel which may be exported to the United States would cause the Eximbank to make a determination under this amendment. However, it is intended for this term to represent a very strictly construed minimum. For example, the El Cerrejon project, if considered under this standard, would have been disqualified from receiving Eximbank support. The use of the term "inconsequential quantity" shall not in circumvention of the intent behind the general thrust of the amendment.

Mr. CRAIG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Rahall amendment.

The opponents of the Rahall amendment will argue, the amendment smacks of protectionism. The amendment will hurt U.S. producers and manufacturers.

Our domestic producers are already being hurt. Foreign imports have derailed and curtailed a major portion of

our mineral domestic production industry already. The copper industry has suffered through one of its worst downturns in years. One of the reasons for this downturn can be attributed to the Export-Import Bank—Eximbank—lending practices.

Since 1980, the Bank has granted $279.9 million in assistance for copper-related projects. The draglines and smelters are running night and day in countries like Peru, Chile, and Mexico. While, the U.S. copper mines and smelters are being closed and people remain unemployed.

I realize the primary objective of the Eximbank is to assist in the financing of exports and imports of the United States. But one thing the bank is required to do, is to take into consideration any potential serious adverse effects of a loan or guarantee on U.S. employment as well as on the competitive position of the affected U.S. industry. In my opinion, the Bank has failed to do so.

Copper isn't the only example of where Eximbank loans have hurt a U.S. industry. The phosphate industry has been significantly impacted from loans that have been made to Morocco and Tunisia. The Eximbank lent Morocco and Tunisia moneys exceeding $200 million, during the 1979 through 1985 period. The phosphate industry has resultingly lost a share of the foreign export market that almost equals the amount of loan guarantees given to Morocco and Tunisia. In 1984, the phosphate industry lost $200 million and consequently, $450 million was lost in wages paid because of the loss of jobs in the phosphate industry.

Not all of the losses of the phosphate industry can be attributed to the Eximbank loans to Morocco and Tunisia, but the figures are suspiciously very close to the injury that has occurred within the phosphate industry.

While this amendment is being offered to apply to the Eximbank, I would like to see it applied to other international lending institutions.

The silver industry in Idaho and across the country has undergone a major restructuring and loss of markets. Again, this hasn't occurred solely because of foreign loans but the facts say, foreign loans have had a major impact on our domestic producers.

Take for example the World Bank group, they have been involved in financing 27 metal projects. The metals/minerals involved included copper—eight projects, iron ore—five projects, nickel—five projects, bauxite-aluminum—four projects, lead/zinc—three projects, cobalt—one project, and lithium—one project. The total financing for these projects was just under $11 billion.

The financing for these projects were at far better rates than our domestic industries could secure from commercial lenders. Since 1980, we have seen new loans being granted to foreign countries either to start new mineral projects or expand existing mineral programs. For example, the International Finance Corporation made a loan to Buenaventura for a silver mine expansion, in 1983.

The World Bank made a loan to Cerro Matoso—Columbia—for nickel extraction, in 1979. The World Bank made a loan to Centromin—Peru—for Cobriza copper expansion, in 1976. The Inter-American Development Bank made a loan to Centromin—Peru—for Andaychagua zinc/silver/lead expansion, in 1982. These loans represent $223 million in lending and the minerals that have been produced from these countries have ultimately made their way into the U.S. marketplace.

This is why the Rahall amendment is needed. The Eximbank is only one part of the international lending community, but nevertheless, it plays an important role. We canot simply sit back while we lose our domestic production capacity and do nothing. The amendment is a first step. As I alluded to earlier, the amendment needs to be applied to other international financing communities. At a time when our domestic industry is suffering from unfair trade practices, the international financial community fails to recognize the detrimental economic impact of their actions on our country.

The amendment is very straighforward. It is saying, the Eximbank will not make loans or loan guarantees to countries that produce or manufacture a product or a commodity that is readily available in the United States. The United States should not be advocating the lending of money to foreign countries that will develop projects and cause the loss of jobs and domestic production. We cannot support lending practices that penalize our domestic producers and reward our foreign competitors.

I do urge my colleagues to stand in strong support of the Rahall amendment today. It is a small step in the right direction, but in my opinion, Mr. Chairman, it is a necessary step.

□ 1500

AMENDMENT OFFERED BY MR. NEAL TO THE AMENDMENT OFFERED BY MR. RAHALL

Mr. NEAL. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. NEAL to the amendment offered by Mr. RAHALL: At the end of the text replace the period with "; or" and add: "(iii) for the financing of American exports to any foreign entity which would, in the absence of such financing, nonetheless produce or manufacture such commodity, mineral, material or product.".

Mr. NEAL. Mr. Chairman, I understand the purpose of the amendment of the gentleman from West Virginia. He wants to protect his coal producers from foreign competition. That would be find and good—but only if American producers are actually protected. In most cases however the gentleman's amendment would backfire. In practice it would destroy American jobs, not protect them.

American exporters are almost never the only ones competing to help build or develop a foreign project. International competition to win export contracts for these projects is intense. If American exporters don't win the contracts, I can assure you that our main competitors will. The Japanese, the French, the Germans—they will all be in there bidding for the sale, and will have generous support from their own export financing agencies. The minerals, commodities, or products will still be produced, but with the aid of exports from other countries, not with American exports.

What will we have gained? Not a single American job will be protected. But countless American jobs will be lost, since American exporters will be abandoned, the exports they might have won with proper financing will be forfeited.

I understand the gentleman has been very concerned about a large coal project developed in Colombia, in part with Eximbank financing. The Colombian entity developing this project, Carbocol, was not dependent on American goods or services. It received financial commitments from the export credit agencies of Canada, Japan, Britain, France, Germany, Holland, Belgium, Brazil, and Sweden. In fact, three of these countries—Canada, Japan, and Britain—all won a share of the project, and financed their sales at rates lower than Exim financing for the American share. It should be perfectly obvious that, if the amendment by the gentleman from West Virginia had cut off any U.S. sales to Carbocol, the project would have nonetheless gone ahead full steam, producing the same amount of coal. Not a single coal miner's job would be protected. But countless American export jobs would have been lost.

I have a list of the U.S. export sales, State by State, that have gone to this Carbocol project, through the end of 1985. It is too long to read in full, but I will give some examples: California, $61 million; Florida, $45 million; Illinois, $29 million; Louisiana, $19 million; Massachusetts, $19 million; Michigan, $6 million; New Jersey, $11 million; New York, $38 million; Ohio, $26 million; Pennsylvania, $21 million; Texas, $43 million; Wisconsin, $25 million. In all there are 48 States on this list, with total export sales of about $378 million. The amendment of the gentleman from West Virginia is designed to block all these exports. And for what purpose? Not a single coal mining job—I repeat, not a single coal

mining job—would have been protected.

This coal project is only one of many cases in which the gentleman's amendment would effectively block American exports, and thereby destroy American jobs. It is true that his amendment is cast in terms of the net impact of the foreign project on American jobs. It does, therefore, take into account the jobs created by American exports, and compare them with the jobs supposedly threatened by imports. This is certainly an improvement over an earlier version of the amendment, which ignored entirely the positive impact of exports on employment. The amendment is still fatally flawed, however, since it ignores those cases in which the imports will occur anyway, with or without Eximbank financing. If the imports will occur anyway, because the foreign project is going to be developed with or without Eximbank financing, then the only impact of Eximbank financing will be to create jobs, through exports. Some jobs might be lost through imports, but, since they would be lost anyway, with or without Eximbank financing, it makes no sense to include them in any calculation of the net impact of that financing on employment.

My amendment to the amendment of the gentleman from West Virginia simply stipulates that his prohibition on Eximbank financing not apply if the foreign project would be developed anyway, with or without Eximbank financing. It would prevent us from shooting ourselves in the foot by sacrificing exports in cases where that sacrifice will do nothing to protect American workers threatened by imports. Otherwise, we might as well close down the Export-Import Bank, and abandon the field to our competitors.

I urge the adoption of my amendment to the amendment of the gentleman from West Virginia.

□ 1510

(By unanimous consent, Mr. NEAL was allowed to proceed for 3 additional minutes.)

Mr. NEAL. We can make it workable so it accomplishes, I believe, the ultimate goal that the gentleman wants. It is the best that we can do.

If the gentleman wants to stop the imports of coal into this country, this is the wrong place to attempt it. He ought to attempt it through other provisions of law. This provision of law, this Eximbank, will not save one coal miner's job and will cost us millions, probably, of jobs in this country.

I urge acceptance of my amendment to the amendment.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman.

Mr. LEACH of Iowa. Mr. Chairman, I rise to support the gentleman from North Carolina [Mr. NEAL] and I would only stress that I think the concerns that Mr. RAHALL and Mr. CRAIG have indicated are very real, very valid, very heart-wrenching; but the consequences of this amendment are devastating.

They represent a head-in-the-sand approach to international trade, and what they say is, because some American industry is hurt, let us hurt other parts of American society. We are going to devastate labor-intensive America by adoption of this amendment. Major losers, just by way of industry in this country, will be workers in industries producing goods or services that are produced in other countries that want to compete with the United States.

(On request of Mr. LEACH of Iowa and by unanimous consent, Mr. NEAL was allowed to proceed for 3 additional minutes.)

Mr. NEAL. Mr. Chairman, I yield to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Chairman, these industries include those that make trucks, earthmoving equipment, tractors, diggers, machine tools, computers, robotics, control instruments, construction bulk equipment; valves, cable, pipe, wire production, welding machines, cranes, drag lines, design and engineering services, turbines, generators, canning and bottling equipment.

Anyone who makes any of that will be devastated by this particular amendment; and as competition in world trade grows, we are going to see even more negative effects as the years go by. I represent, in my district, a company called Caterpillar, a company that used to be America's largest exporting company.

Caterpillar estimates that in the last 15 months alone, if this amendment has been on the books, they would have lost $125 million in sales. Thousands of jobs would be lost.

What this amendment does; it is what might be considered the "Japanese bonanza amendment of 1986." This supports Japanese industry, it supports German industry, it supports Belgian industry—and the intent of this bill is to support American industry and American jobs.

So I certainly hope that the refinement of the Rahall amendment offered by the gentleman from North Carolina [Mr. NEAL] is adopted, and with that, let me also express my own concern that the views that Mr. RAHALL has expressed are views that must be borne in mind by this body as we develop legislation of this nature; but let us not be so concerned that we do something that ends up being counterproductive and irrational; let us get about the business of dealing with Mr. RAHALL's concerns in the proper format, not in this particular legislation where I think his own industries will be negatively, not positively impacted.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Rahall amendment.

Mr. Chairman, first of all I would like to associate myself with the remarks of the distinguished subcommittee chairman, the gentleman from North Carolina [Mr. NEAL] and the distinguished gentleman from Iowa [Mr. LEACH], who have just finished discussing this amendment.

After their thoughtful comments, it is perhaps presumptuous for me to speak to try to reemphasize them, but I feel the need to do so. I think the committee has given us a very thoughtful bill. I believe that it has been worked out well; it has tried to recognize some of the needs of the administration and yet recognized even stronger needs that the Congress felt it had to put together in this bill, and the net result, I think, is a splended bill.

However, there is only one thing standing between this splendid bill and House passage, and that is the Rahall amendment, which in effect tries to prohibit any adverse impact and in fact, in my judgment, gums up all Exim decisionmaking for the future.

The Neal amendment would, I think, rescue us from the worst effects of the Rahall amendment but in my judgment, the law should remain as it is.

The situation is that as of now, we have three statutory provisions that require Exim to take into account serious effects of the U.S. economy. As has been pointed out more than once here today, in most cases the project is going to go forward anyway. The Neal amendment at least takes that basic fact into account. The Rahall amendment does not.

I believe because it does not, the Rahall amendment would wreak greater havoc on Exim's programs and greater havoc on American exports than any of the budget cuts that have yet been suggested for Exim.

The Rahall amendment says in effect, "Never mind if the project goes through; never mind if the effect on us is exactly the same: As long as we're going to suffer, let's make some other U.S. industries suffer with us."

It says that, "As long as my favorite industry, in this case coal, is going to be hurt, let's hurt somebody else as well." It is a sort of a pull-up-the-gangplank-I'm-on-board sort of amendment, which then finds out "never mind if it isn't even on board, let's all drown together."

That does not make any sense, Mr. Chairman. The Neal amendment at least says, if we are going to have some kind of an impact in any case, let us make sure we get some American jobs

involved. I think the committee has been very careful to try to defend these American export jobs.

What I think is at the heart of the whole problem is that many of us still look on Exim as some form of foreign aid, and that we can express our displeasure about foreign actions or projects or even politics by voting against Exim or voting to condition Exim operations.

Actually, Exim is American aid. It is designed to sell American products made by American labor and sold by American people abroad. For us to try to limit Exim by the adoption of the Rahall amendment, in my judgment would be one of the most serious mistakes we could make.

□ 1520

To do it at a time we are suffering a $150 billion trade deficit would be, I think, compounding a folly.

So I would urge the Members of this body, if they believe that American jobs are worthwhile, to support the Neal amendment to the Rahall amendment and at least preserve some sense in our export program.

I urge support of the Neal amendment, and I yield back the balance of my time.

Mr. LEVIN of Michigan Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Rahall amendment.

Mr. Chairman, there has been a lot of emotion expressed here, and I think there should be. I think it is somewhat misplaced. Let me, if I might, put it in a context that I think is relevant. Our main emotion should be about what is happening to industrial America. A lot is happening throughout this country. It is not only coal. There is very little coal in Michigan. It is not only steel, it is not only automobiles, it is not only textiles; it is across America.

I looked again at the figures for the last few months, and I think there is a kind of, if not euphoria, a complacency that is spreading through parts of America because the stock market, at least until a few days ago, was up.

Industrial jobs are down. In March, the number of industrial jobs lost 39,000. Then in April, down to 10,000. I think many people felt we were turning that corner.

But in May, 45,000, and in June, 56,000 jobs lost, manufacturing jobs lost. That is where the emotion should be placed.

What is a problem is that we have no policy. America has no policy, no industrial policy. America's industry is being nibbled to death and we are nibbling each other to death.

One area has a temporary opportunity to gain some more jobs, so they take it even though it is going to do in other areas. Suppliers from other countries are now coming in here and they are gaining bonanzas to come here even though they are going to eliminate jobs of American producers. That is the crux of the problem here. It is not just a blind gesture to get at coal. I do not think that is Mr. RAHALL's purpose, at least alone, to get at coal. We ought to take it much more seriously than that.

Now here is the nub of the problem: A proposal comes before Eximbank, I am a supporter of Eximbank, and I am worried about Third World countries, as the gentlemen know, as former Assistant Administrator of AID; but here is the problem: When an applicant comes before Eximbank, and Eximbank is supposed to make an impact study, and let us say that Eximbank makes that impact study and determines that if that job proceeds, if that project overseas proceeds, there is going to be a net loss of American jobs. That is what this amendment, as it has been redrafted—far different than its original language—that is what it suggests, what it is based on, a net loss of American jobs.

Are we going to use American taxpayer dollars to support an application for participation in a project after Eximbank determines that there is going to be a net loss of American jobs? Now that is not an easy decision to make because there are some jobs involved, there are some jobs involved in the applicant.

Now, it may be trucks for steel plants overseas, or it may be railroad equipment for a copper project overseas, or I suppose it could be some bearings or whatever it is for a large autoplant overseas. But this amendment talks about a net loss.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. LEVIN of Michigan. I yield to the gentleman from North Carolina.

Mr. NEAL. I thank the gentleman for yielding.

Mr. Chairman, here is the difficulty I see in the gentleman's view of this: If a project is going to be built, whether it is coal, copper, steel, cars, you name it, and the import is coming into this country anyway, how can you factor in those jobs that import into any kind of equation? It is happening anyway, whether Eximbank is involved or not. There is no way to make that kind of assessment that the gentleman is talking about, net job loss.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has expired.

(On request of Mr. NEAL and by unanimous consent, Mr. LEVIN of Michigan was allowed to proceed for 3 additional minutes.)

Mr. NEAL. Mr. Chairman, will the gentleman continue to yield?

Mr. LEVIN of Michigan. I yield to the gentleman from North Carolina.

Mr. NEAL. I thank the gentleman for yielding.

Does the gentleman see the point? There is no reason in the world for factoring those jobs into any kind of equation. That is happening anyway. If you want to stop that, you have got to stop it some other way. You have got to stop it by some protectionist legislation somewhere that will simply keep those products out of our country.

The Eximbank does not do that. My point is that every single job that Eximbank finances is a net plus. There is nothing on the other side of the equation. There is no net loss because of Exim financing. These 21,000 man-years of employment that went into building this coal project in Colombia, those are the net gains, every single job is a net gain for this country.

If some of that coal comes back in here, whether Eximbank had anything to do with it or not, it comes in. That is the point.

Mr. LEVIN of Michigan. The gentleman has made the point well, and I believe it needs a response. And I think the response is twofold or threefold.

First of all, we have provisions in the law today requiring Eximbank to make an impact study. Those provisions do not have the condition that you want to attach to this bill or this amendment.

What this amendment tries to tell Eximbank, and it is not in the most artful way, it is hard to get at larger industrial policy issues in a specific piece of legislation, but it is an honest attempt. What it says to Eximbank is, "Look at the impact on net employment in this country. And if net employment is going to be negative, then do not provide the loan."

Now, there are three other provisions in the law. It has been referred to here.

The gentleman used it as an argument against the Rahall amendment. But then I have to point out that the condition that the gentleman from North Carolina would provide does not apply to these other three provisions, and they should not. And I will tell you why: Because we need in this country to begin to look at the overall impact of our policies. We need in this country not to be piecemealing ourselves to industrial death. That is the long and short of it, it seems to me. The same argument can be used, for example, in arms sales. We hear it: "Well, somebody else is going to provide those arms, so vote for it anyway because the only impact if you vote against American arms sales is the loss of American jobs." And most of us do not buy that argument. Why do we not buy it? We do not buy that because we think there is a need for an overall American policy regarding that arms sale.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan [Mr. LEVIN] has again expired.

(By unanimous consent, Mr. LEVIN of Michigan was allowed to proceed for 3 additional minutes.)

Mr. LEVIN of Michigan. We also do not buy it when it comes to issues of economic sanctions. Somebody else may supply the goods, but we do not want American tax dollars participating in that particular project if there is a question of economic sanctions.

The same thing is true here, it seems to me. We need to ask ourselves: What are we going to do about the loss of American industrial jobs? Are we going to ask the Eximbank more effectively to take into account employment, net employment factors? I think they should. It is interesting, the chamber of commerce indicates that using the three provisions already in the law, since 1981 the Bank has used this authority to deny support on proposed exports valued at $385 million. That is using the three provisions already in law.

If Mr. Neal's amendment were adopted and applied as to those three other provisions, those $385 million would have proceeded.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. LEVIN of Michigan. I yield to the gentleman from North Carolina.

Mr. NEAL. I thank the gentleman for yielding.

Not necessarily. There are situations where only Eximbank financing is available. In those cases then if a project would not go forward anyway, then the Eximbank financing can be withheld. And I can understand that.

Mr. LEVIN of Michigan. Let me reclaim my time. But Eximbank documents indicate that virtually all of their loans are in situations where there is competition. So, look, you have to face the basic issue, whether without an industrial policy you want Eximbank to proceed taking into less account than they should the issues of net employment impact in America. I think the time has come to say clearly, "We need to look at net employment in industrial and in the rest of America." This is an effort to do that. It is not a perfect way. It is much more perfect than it was as originally introduced, but it clearly is one way. Eximbank has indicated to us they could carry it out, they do not want to but it is a practical factor to look at net employment.

If you want to go back into your districts, in the absence of a steel policy in this country and say that you support loans in situations where there is going to be a net employment loss in America, go ahead and do it. But what I want to do is go back to my district and to the rest of the country and say that we in this Congress are trying at long last to force the adoption in this country of some kind of overall industrial policy, not central planning by any means but some overall industrial policy so we make sense of everything including Eximbank.

Mr. CHANDLER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Neal amendment.

Mr. Chairman, I support the Neal amendment and oppose the Rahall amendment. Mr. Chairman, the gentleman from Michigan, a good friend of mine, serving on the committee who does an outstanding job, said a moment ago something I very much agree with even though I disagree with his fundamental stand. He said we should not piecemeal ourselves into industrial bankruptcy. If we need an industrial policy for the United States, and I am not sure that we do, you certainly do not find it in this amendment. If ever I saw piecemealing, this is it, piecemealing at its worst.

He said this is not the most artful way of getting at what he wants. If that is not an understatement, I do not know what is.

We are going to cause the Bank to determine whether to grant a loan based on two of the broadest directions I can imagine. They are going to have to determine whether the loan will result in the importation of more than an inconsequential quantity, stating it in the negative, and also a net domestic increase in unemployment in the United States. I just have to ask you: How on Earth are you ever going to determine that? And that is going to be determined over the life of the loan.

Then he asked what is happening in America? Well, I think we are finding ourselves faced with some pretty fierce competition in the rest of the world, that is what is happening in America. And to quote one of today's great orators, "Dandy Don" Meredith, he says: "If 'ifs' and 'buts' were candy and nuts, what a wonderful world it would be." I think we ought to entitle this the "Candy and Nuts" amendment because what you are suggesting is: Let us ignore the fact that labor costs in the rest of the world are less than here; let us ignore the fact that many countries around the rest of the world are manufacturing products in competition with us in plants that are new and modern while many of ours are dilapidated. They are doing that because they have savings rates of 20 percent-plus while ours is down around 5, and they have the money to recapitalize and we do not.

□ 1535

Out home right now our workers in the timber products industry are on strike against the Weyerhaeuser Co. I suspect that this is one isolated example of a great overall realignment of what is going on in industrial America.

I do not like it any better than you. I represent many of those people whose homes are being lost and who are facing real tragedy in their lives. But, darn it, let us not kid them by coming in here and saying we have an answer in something like this, when all this is going to do is turn around and put their brethren at Pac Car over in the gentleman from Washington's Seventh District out of work. That is all this is going to accomplish.

Even if we amend this amendment with the Neal amendment, which is a good one, the amendment is still fatally flawed. Yes, I think it is far better with the Neal amendment, and I want to encourage your support for it. But as I point out, if you want to construct, artfully or unartfully, a straitjacket for the Eximbank, I suggest this is about as good a wording as you could come up with.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I want to say that I would rather not have any of this amendment also. I mean the only reason I offer the amendment is to try to clean this thing up. It would certainly suit me if that is adopted that we defeat the whole thing.

Let me just say the gentleman from Michigan [Mr. LEVIN] raised the question as to how the Eximbank can administer this, and they can. Do you know how they administer it? They shut their doors. They would just be out of business.

Mr. CHANDLER. Mr. Chairman, I agree. That is what I would do if I were them. I think that is where it is fatally flawed.

Mr. LEVIN of Michigan. Mr. Chairman will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to respond briefly to that, because I do not think it is true for a moment. We now have three provisions in the law.

What has happened is the overall employment impact has not been taken into account as fully as it might be. Right now in the law it is required to be looked at.

It seems to me, especially when so many of us are on the same side of the issue of the role of Exim, we should not characterize the Rahall amendment as requiring Exim to close down its doors. What it would require is that Exim look at the long term, in terms of the term of the loan, employment impact in the United States and, if there were a net loss, not to grant that loan.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

(By unanimous consent, Mr. CHANDLER was allowed to proceed for 2 additional minutes.)

Mr. CHANDLER. Mr. Chairman, let me simply say that perhaps the gentleman is right about closing the door, but I can just about assure the gentleman they will close the door to make the decision.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to my colleague, the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman for yielding to me. Since the gentleman has an additional minute and a half, I want to compliment the gentleman on his statement and associate myself with it, and rise in support of the Neal amendment and in opposition to my good friend, the gentleman from West Virginia's amendment.

When the gentleman quoted Dandy Don Meredith, I thought the gentleman was going to say, "The party's over," because in essence that is what the gentleman from West Virginia is trying to say, not only are we losing the jobs because of foreign competition, we want to make sure our manufacturers can compete to get at least part of the jobs. So in addition to losing those jobs coming in, we want to have a net loss of both the manufacturing at Pac Car, at Caterpillar, and others on top of it.

That is not the positive way by which to go into the trade problems we have today. I compliment the gentleman for his statement.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, let me respond, the party is not over, I say to my good friend, the gentleman from Washington, but the policy should be over, the policy of the American taxpayers financing foreign projects that then produce a net unemployment in the United States. That is the bottom line. Other people are going to finance the project, yes. But it does not matter to anything else in this whole debate. The bottom line is the net increase in unemployment in the United States, jobs that are created by Export-Import Bank financing that may produce exports, that may produce American jobs, but then, in the long term, create even more, even if it is one more American unemployed worker.

To those who say this is going to create further unemployment in America, I ask why the AFL-CIO, the United Mineworkers of America, and many other labor groups in strong support of my amendment as it has been offered today without the Neal amendment attached to it?

The CHAIRMAN. The time of the gentleman from Washington [Mr. CHANDLER] has again expired.

(By unanimous consent, Mr. CHANDLER was allowed to proceed for 2 additional minutes.)

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I would answer the first part in the place of labor, which I value my relationship to, labor is far too protectionist now in this economy. That is why. I find labor all the time supporting positions that are protectionist positions.

What the Neal amendment does is say, "Look, let us not create additional loss of jobs." Let us not say that now that the American manufacturer loses the jobs when the Japanese manufacturer or the French manufacturer will get it for the same projects. So at least it cuts down the net total loss of jobs, the Neal amendment. That is why I support the Neal amendment.

Mr. CHANDLER. Mr. Chairman, reclaiming my time, I would just close by saying what we have here is a situation where there are going to be five, six or seven countries competing for the same projects. All we are doing when there is a case of our being able to compete with financing, is we are saying we are either going to be a part of that competition or not.

I wish that we could wish it all away. I wish that somehow we could protect every single one of those jobs in your districts and mine, but that is not the state of the world today.

The CHAIRMAN. The time of the gentleman from Washington [Mr. CHANDLER] has again expired.

(At the request of Mr. NEAL, and by unanimous consent, Mr. CHANDLER was allowed to proceed for 1 additional minute.)

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I just want to pick on the last point made by the gentleman from West Virginia, because I think this is right at the heart of it, this point about a net decrease in jobs.

The point I want to make is that there is never a net decrease. We are supporting exports and we are supporting jobs for our people. If a project in a foreign country is going to go ahead anyway and those exports are going to come into our country anyway, that is beyond the scope of the Eximbank. The Eximbank has nothing to do with that.

If you stop Eximbank from financing any project, you cost our folks jobs. There is no question about that. But you do not stop one piece of coal, one piece of copper from coming into this country.

Remember the Eximbank is not a gift to foreign countries. Eximbank is our facility to help our people.

Right now, by the way, most of the loans from Eximbank are above our Treasury rates of interest.

The CHAIRMAN. The time of the gentleman from Washington [Mr. CHANDLER] has again expired.

(At the request of Mr. RAHALL, and by unanimous consent, Mr. CHANDLER was allowed to proceed for 1 additional minute.)

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, let me say in response to my good friend from North Carolina, the gentleman has presented the classic catch-22 situation here. The gentleman is saying if the Export-Import Bank does not do the financing, then some other countries are going to step in. The gentleman gave examples where they have and did the financing. And then the project is going to go ahead anyway. I do not dispute that.

The bottom line is, what is the public policy, and what is the overall trade policy of the United States of America? We do not dictate our policy on what other countries do in this area or any other area. We make our own policy. We do what is in America's best interest, and that is what dictates our public policy and where our taxpayer dollars should go, and not worry about what other countries are going to do.

The gentleman from Michigan addressed that point very well. It is a piecemeal approach to trade policy, and that is what has typified this administration. I say it is time we end that piecemeal approach, look at it in its overall long-term repercussions to the American economy and defeat the Neal amendment and support the Rahall amendment.

Mr. LUNDINE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Rahall amendment and in support of the Neal amendment.

Mr. Chairman, it is said that the path to hell is paved with good intentions. I know that the gentleman from West Virginia was educated at the finest university in America. I know that very well. I think the gentleman's intentions are the purest possible intentions. The gentleman sincerely believes that this amendment is going to

protect or help to protect American jobs.

But I think this is a very destructive amendment which, if adopted, would increase the U.S. trade deficit, not decrease it; cost American jobs, not save American jobs.

The reason we have an Eximbank is to promote exports. Exports mean jobs, usually very high-quality jobs because if we can compete on an international basis, that usually means that there is a very high value-added component in this project and that the United States at our relatively high wage levels can accurately and productively compete for these projects.

This amendment, it seems to me, repeats the mistakes that we have made many times in the past.

□ 1545

We should have learned our lesson with the gas pipeline, for example. The United States is always shooting ourselves in the foot. The Soviet gas pipeline we succeeded in doing American companies out of work. Did we succeed in stopping the pipeline? No. We just gave our competitors work that we, some of our companies could have had in the event that we had pursued it on a competitive basis.

Here, what we are talking about are projects that are going to be built and the question is are they going to be built with American labor, by American enterprise or are they going to be built by foreign labor with foreign enterprises reaping the profits from those projects?

It is true that the Eximbank ought to take a balanced view when it comes to evaluating projects. It is true that we should not be enhancing worldwide oversupply in these kinds of things. But as has already been pointed out in this debate, we already have three criteria written into the statute requiring the Exim to take into account any serious effects on the U.S. economy from projects making use of U.S. exports financed by the Eximbank.

What the Rahall amendment would do is to put Exim into an absolute straitjacket so that they would not be able to effectively function at all. My friend from Michigan, and I do respect his views and his judgment just about as much as anybody in this Chamber, if not more so, has talked about industrial policy. I do not think that there is any person who believes more strongly that the United States needs an industrial strategy; some kind of an approach to foster high-value-added industry in this country any more than this gentleman in the well. I just do not view the Rahall amendment as getting to an industrial policy in a constructive way at all.

What the Rahall amendment will do is cut back on U.S. exports. What we ought to be doing in any industrial policy that business, labor and the public interests could agree on is to give more emphasis to those areas where we can export products around the world and create high-quality jobs in the process.

Even the project to which Mr. RAHALL takes exception, the Colombian coal project, I think is very, very debatable on the point of the value to the United States. That project resulted in 21,000 man-years of employment across 47 States. My home State of New York has already sold $38 million in equipment to Colombia associated with this project. Is there evidence that the importation of clean, low-sulfur coal to the Florida Power & Light Co. are worth 21,000 man-years?

The CHAIRMAN. The time of the gentleman from New York [Mr. LUNDINE] has expired.

(By unanimous consent, Mr. LUNDINE was allowed to proceed for 2 additional minutes.)

Mr. LUNDINE. Is there any evidence that we would have been better off without these kinds of jobs in America that resulted from these exports? I think that is a standard that the existing Export-Import Bank simply could not meet. I think that we ought to use our common senses, legislators, and say if we are competitive in a very intensely, internationally competitive world, that it ought to be the industrial strategy of the United States to have financing that at least puts our companies, our enterprises on an equal footing with those in other countries.

I ask you in this committee to take very seriously the Rahall amendment and the Neal substitute. Like the author of that substitute, I would prefer having none of this, but his suggestion is infinitely more workable than the amendment itself.

I ask the Members to vote against the Rahall amendment. If necessary, by support of the Neal substitute. If not, I would ask the Members to reject the whole concept. When we get exports, that means American jobs, we need American jobs particularly in industries that are internationally competitive, they would not get the order in the first place.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman.

Mr. RAHALL. I thank the gentleman for yielding to me.

Mr. Chairman, if I might ask, perhaps maybe the gentleman and I can reminisce about our logic classes at Duke University for just a moment.

To use the parallel of the gentleman's arguments and those other arguments that are being made in favor of the Neal amendment and in opposition to my amendment, you are basically saying the project is going to go ahead anyway; that it is going to receive financing from elsewhere.

Let me make this parallel.

The CHAIRMAN. The time of the gentleman from New York [Mr. LUNDINE] has expired.

(On the request of Mr. RAHALL and by unanimous consent Mr. LUNDINE was allowed to proceed for 30 seconds.)

Mr. LUNDINE. I continue to yield to the gentleman.

Mr. RAHALL. I thank the gentleman.

Mr. Chairman, let me make this parallel. Since Cuba has a Communist government and that government will remain Communist with or without United States support, then should we support Cuban communism?

Mr. LUNDINE. I do not see the relevance. I must not have taken advanced logic at Duke University. I do not see the relevance to the gentleman's question.

Mr. RAHALL. It is a parallel in the matter of policy.

The CHAIRMAN. The time of the gentleman from New York [Mr. LUNDINE] has again expired.

(By unanimous consent, Mr. LUNDINE was allowed to proceed for 1 additional minute.)

Mr. LUNDINE. The point I am trying to make is that if Cuba is going to buy something, and there are competitors around the world, and the Export-Import Bank decides to sell them something, unless under existing criteria the Eximbank finds that it is detrimental to the basic economic interest of the United States, that, per se, is going to create jobs in America, and it seems to me that, per se, is worthy of our support and that the Congress should not set up additional criteria which will be cumbersome for them to try to administer.

Mr. RAHALL. If it produces a net increase in jobs in the United States.

Mr. LUNDINE. I think, I cannot think of an example where it would not produce an increase. The gentleman's amendment——

Mr. RAHALL. Over the long term of our guaranteeing that loan or providing that financial assistance.

Mr. LUNDINE. The gentleman's amendment is dangerous because people will argue we should not do the gas pipeline because it might not net more jobs in the future. The point is that Exim creates jobs by guaranteeing that our exporters will be fully competitive.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while I understand what motivates the sponsors of the Rahall amendment, I cannot support it for a number of reasons, many of which have been expressed this afternoon.

There has been reference to the less-than-artful language that has gone into drafting the Rahall amendment.

The fact is that in the operative terms there are no definitional standards, so we do not know what constitutes "produced in substantial quantities in the United States," or "imports of more than an inconsequential quantity."

These are terms which become highly relevant in making determinations. We also do not know who is going to define these terms or who will be involved in the implementation of the Rahall amendment. Is it going to be the Exim alone or the USTR or the Department of Commerce?

One provision of the Rahall amendment that I find disturbing is the section that deals with a net increase in the overall domestic unemployment rate. Does this mean a net increase in domestic unemployment can trigger the prohibition contained in the Rahall amendment? I find it dangerously open ended. We have in the Exim contracts various terminations. Some may go as long as 10, 12, or 20 years. But if any of these projects result in a net import of products, and there is a drastic loss of jobs, then does the Rahall amendment trigger a cutoff and does the Eximbank then nullify the contract or the agreement that is in place?

□ 1555

No. 2, in weighing the relative factors on exports versus imports, we need to know the potential cost of the amendment, not only in terms of lost U.S. export opportunities and lost American jobs but in terms of the potential benefits from reduced imports and American jobs saved. It seems to me that this is a question the committee needs to look at far more closely before the issue is brought here to the House floor.

Then, finally, what is the practical effect of the amendment if the country will proceed with the project anyway? This argument has been advanced several times this afternoon. We need to know what the United States must absorb in terms of foreign imports and potential lost jobs if that Exim financing goes through.

I think that the Eximbank in its statement on the Rahall amendment really puts this issue squarely into perspective, and I quote:

Projects overseas will be built with or without Eximbank support. Eximbank only supports U.S. exports to projects on which suppliers from other countries are bidding with support from their official export credit agencies. Thus our financing only determines whether or not the foreign purchaser buys from suppliers in the United States or other countries.

If this amendment had been in effect in fiscal year 1985, Eximbank would not have been able to provide support for about $350 million worth of U.S. exports. That represents over 9,000 man-years of employment that would otherwise have been lost had the Rahall amendment been in effect.

The question which has been stated several times today is that we know what the potential loss in U.S. exports and U.S. jobs would be if the Rahall amendment were in effect, but on the other side we do not know what the potential benefit would be, if the Rahall amendment had been in effect, what job benefits or economic benefits would have occurred as a result of less imports.

Mr. Chairman, I think the amendment would make it extremely difficult for the Eximbank to provide financing for U.S. exports to practically any project overseas. It is another form of protectionism which this body has attempted to resist in the last few years. In fact, the House voted in favor of a House trade bill just recently, a bill which is comprehensive and which attempts to address a number of the related problems associated with our skyrocketing trade deficit. This legislation is now pending before the Senate. I think we ought to allow the Senate time to take action on that bill, and hopefully we can have a conference report that is acceptable to both bodies and a bill sent to the President for his signature. I think this is the way we ought to deal with our trade deficit and with our opportunities abroad.

But this is a piecemeal approach. It is not, as the gentleman from Michigan indicated, an industrial policy that is in the making. It is protectionist, it is piecemeal, and it seems to me it will not work to the benefit of the U.S. exporter. A vote for the Rahall amendment is a vote against U.S. exports and for higher trade deficits.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Neal amendment.

Mr. Chairman, I shall not use all my time, but I just want to conclude the debate on the Neal amendment by stating basically what we should look at in deciding how we are going to vote on this amendment, followed by our vote on the Rahall amendment.

The basic question is, What should U.S. policy be? There comes a time, in my opinion, when the U.S. Government and the U.S. taxpayer says enough is enough, that enough of our tax dollars, through U.S entities, are going to finance foreign products that come into the borders of the United States, there by putting out of work our domestic workers.

That is what has happened through the financing mechanisms of the Export-Import Bank in the past.

This amendment, narrow enough in scope, gives the feeling of the American people that enough is enough of American taxpayer dollars going to finance jobs outside this country and causing unemployment in this country.

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I am glad to yield to the gentleman from Idaho.

Mr. CRAIG. Mr. Chairman, I have stood already in support of my colleague's amendment, but there is another aspect of this.

I appreciate the arguments of those Members who have large companies in their districts and those who use the Eximbank for the purpose of financing, and I can understand very clearly the jobs arguments that have been put forward. A colleague of ours, the gentleman from Texas, and I have sponsored legislation which is now before a committee of this body called the FAIR bill which says that our representatives on international lending institutions will not participate in or support loans by those institutions that go to foreign nations for the purposes of developing agricultural interests that ultimately can be proven to end up in trade, agricultural trade that competes directly with our farmers.

Now, one could argue that that is not a good idea because those countries are going to buy tractors and they are going to buy equipment, agricultural equipment and farming equipment, from the manufacturers of this country. Yet today that bill happens to have a lot of popularity, simply because almost all of our farmers are out of work.

In the sixties and the seventies we poured billions of dollars into Third World nations, and we sent representatives from all of our land grant colleagues abroad to teach the rest of the world how to farm. It was called humanitarianism, and I supported it. It was the right thing to do. But we went a step further. They became such good farmers that they are now our major competitors in world markets, and it is our farmers who are now out of work.

Although this amendment offered by my colleague, the gentleman from West Virginia, is a small but single step, I would ask, when do we learn that our steel industry does not exist anymore, that our copper industry does not exist? Our mining industry is on its back, and our coal industry is merely in trouble. But we are willing to trade off by saying that we will become a service-oriented nation and we will manufacture a few things and ship them abroad.

Now, I have a company in Idaho that was a major participant in the coal project in Colombia. They happened to be the engineering company, they happened to be the development company, and they sold services. I appreciate that. My State is on the list as a major recipient. But while they were a contributor, I have 8,000 people out of work in my State today because of prolonged activities like this, with

American taxpayers being led down the road to believe by their Representatives in this House that it was in the best interests of this country long term to do some of the things we did.

Now, let us look backward and see where our agricultural people are. Was it in their best interests? I think we can collectively say that it was amazing that India became an exporting nation in agricultural projects, along with China and a lot of other countries.

Is that now in our best interests? Not that they export. Yes, that they feed themselves, of course it is.

That is really the essence of what we are talking about here today. We ought not play games with reality, because that is what we are dealing with. We will now subsidize our unemployed people, we will now subsidize through tax dollars the Eximbank and all those kinds of things, and in the end we will do a circular motion and have to come in through the back door and bail out the people who can no longer find jobs in this country.

Mr. Chairman, that is all called "good," and I question the reality of it.

Mr. RAHALL. Mr. Chairman, I urge the rejection of the Neal amendment and the rejection of the continued export of certain sensitive items that export American jobs.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I am glad to yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding, and I support the gentleman's amendment.

As I understand the amendment, it says to the country as a whole that the Eximbank will not finance the loss of American jobs. Now, as I understand the gentleman from West Virginia [Mr. RAHALL], with his amendment he rises in opposition to the amendment offered by our colleague, the gentleman from North Carolina [Mr. NEAL].

For those who do not serve on the Banking Committee or do not have firsthand information, let me ask the gentleman, what is the difference? Does not the Neal amendment do the same thing?

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. RAHALL] has expired.

(By unanimous consent, Mr. RAHALL was allowed to proceed for 2 additional minutes.)

Mr. ROEMER. Mr. Chairman, would the gentleman answer my question?

Mr. RAHALL. Mr. Chairman, I will be glad to respond. The Neal amendment adds a third exception to the Rahall amendment. The Rahall amendment provides that such loans shall be allowed to go ahead when the strategic interests of the United States are involved, that is, materials that we need for our strategic interests that we do not produce here in this country in substantial quantities.

The Neal amendment adds a third exception which says that loans shall be allowed to go ahead if the project is going to be developed or financed by other countries anyway. That is the third exception that the Neal amendment adds to my amendment. What he is basically saying is that other countries are going to step in and provide this financing. My position is that if other countries want to provide the financing for their own increases in unemployment, then let them do that. Let us not let other countries' policies dictate what the U.S. policy should be. That is my position on the Neal amendment.

Mr. ROEMER. Mr. Chairman, will the gentleman yield further?

Mr. RAHALL. I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, if we read the charter of the Eximbank, it says that the board of directors shall take into account any serious adverse effect of such loan or guarantee on the competitive position of U.S. industry and employment in the United States. As I understand the Rahall amendment, what the gentleman is trying to do in this amendment is to make sure that in the rechartering there be a requirement that if we use the taxpayers' money to extend credit, we do it in such a way that we not lose on a net basis American jobs. Am I right in my understanding?

□ 1605

Mr. RAHALL. The gentleman is correct, but that study is not being implemented today. It is not being done. What is on the books is not being done by the Export-Import Bank when they make these loans, such as the case in Colombia, there was no examination of what the long-term adverse impact on United States jobs would be over the life of that loan that was granted by the Export-Import Bank.

My amendment says if there is a net loss during the life of that loan——

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

(At the request of Mr. ROEMER, and by unanimous consent, Mr. RAHALL was allowed to proceed for 1 additional minute.)

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I am glad to yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I want to thank the gentleman for offering this amendment and say to my colleagues in the House that it is going to be awfully hard to look at the Eximbank, which is in many economists' view a questionable activity at best, but say that we are going to keep it and not require that the net effect on American jobs be considered in the law.

Mr. Chairman, I thank the gentleman for his amendment.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman's response.

Mr. KLECZKA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in opposition to the Rahall amendment and in support of the Neal amendment.

Mr. Chairman, a lot has been said this afternoon relative to the Rahall amendment. Coming from the Midwest where we are producers of machines and machine tools, I see this amendment as totally devastating.

The gentleman from Wyoming indicated that copper and coal are in trouble. Well, I say that if we look at other areas of our economy, they are in trouble also.

The problem with Rahall is that we are going to make it much worse for those other industries. If I can give an example, and a very crude one at best of Rahall in operation, let us say that Bucyrus Erie in South Milwaukee, WI, was selling a dragline, a large shovel, to a country, Colombia or Jordan, and let us say that after Eximbank looked at it, they indicated that the Bekor-Western Corp., which owns Bucyrus Erie, will gain 50 jobs over the life of the contract; however, and I do not know how they are going to ascertain this, but however Eximbank looks at Rahall and indicates that this sell will result in the importation of more than an inconsequential quantity of commodities, which possibly could be true, but let us say that answer is in the affirmative and it will result in a net domestic increase in unemployment.

Well, the Bank would indicate that because of the sale, it is expected that we will lose 100 mining jobs; so the net decrease in employment is 50 at that point.

At that point, we do not provide any direct loan or any I-Match to the corporation involved. They lose the order.

The United Kingdom and a host of other countries are just waiting, chomping at the bit to sell that dragline; so in essence, instead of losing a net of 50 jobs in this country, we will lose 150. That is the effect of Rahall. That is the net effect of Rahall.

Mr. Chairman, I tried to work with the gentleman from West Virginia in what is really a serious problem for the coal-mining States, for the copper States. It is a serious problem.

We looked at the Rahall I. It was ill advised.

We looked at Rahall II, which the gentleman from West Virginia indicated he went a whole mile, and I found that it really did not cross the street; but nevertheless; we are faced here with Rahall III, which will provide the

same problems as the first two products.

I do have a substitute amendment prepared, which hopefully will alleviate some of the ill-advised aspects to the amendment; however, I do not think even that will get the job done.

So our best bet at this point is to support Neal, which makes a terrible amendment somewhat better. It does not have the effect of closing the Eximbank.

My friends, just read the amendment. With such wording like the importation of more than an inconsequential quantity of a commodity, my God, that covers everything.

We also indicate that no guarantee shall be offered if the export will be used or is intended for use in the production or manufacture of any commodity, mineral or material or product, which is produced or manufactured in substantial quantities in the United States.

As we all know, that includes almost everything.

So first of all, I say for the Eximbank to try to ascertain whether the ill effects of the loan would come under Rahall, I think is impossible at the front end.

Second, for those in the coal States and the copper States, if this amendment would stop the production of one piece of coal or 1 ounce of copper, if it would stop the production or importation of 1 ounce—not a pound, not a ton—I might look favorably on the amendment, but it will not. Those commodities will be ending up at our door and I say the answer is the Bonker bill, which would address the trade practices of this country.

It is an issue to be taken up by the trade representative, not the Eximbank; but the net effect is to do disaster to areas that I happen to represent that make machines and machine tools or the litany of the other products that the gentleman from Iowa [Mr. LEACH] has enumerated so eloquently before.

So I ask the Members to support Neal, and if in fact that is adopted, I think Rahall at that point is palatable. It is not good, and in fact if Neal is not adopted, I think instead of closing the Eximbank, that should just close down the amendment.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes. I know this issue has been discussed to death.

I would just like to say that the last thing I think we want to do is pit region against region, industry against industry. I think we have a situation where the gentleman from Wisconsin has been very eloquent in some of the concerns he has voiced; but as a Representative of a coal State and a coal area and a copper area and a uranium area and a strategic minerals area where we have been devastated, literally devasted, where towns have died, where men and women have lost their jobs, where industries have collapsed, where State economies are on the brink of ruin, I think all we are asking is for a little gasp of support.

We are not saying close down the Eximbank. I think it has had some substantial positive effects on the world economy and our foreign policy and international commercial policy. All we are saying simply is, for God's sakes, do not give an unfair competitive advantage that is going to bring domestic unemployment to some of our industries.

Let me be specific. Copper, since 1980 the Bank has granted $279.9 million in assistance for copper-related projects. We have got copper plants in Arizona, in New Mexico, in the Southwest closing down, not simply gasping. They are literally closing down. It is not a question of a revival for them.

Mexico in seven instances has received a total of $162.7 million from 1980 to 1984, including $9.2 million in 1981 for construction of a copper smelter and $75.7 million in 1982 for expansion of a copper mine.

In May 1986 the copper caucus in this House wrote to the bank questioning an additional line of credit of $23.5 million to Compania Mineria de Cananea in Sonora State for equipment to expand their copper operations. Also, Peru received a $45 million loan in 1982, a country that is refusing to pay their debts.

Let me just explain the irony of the situation. The copper operation in Mexico in Cananea is polluting the Southwest of this country. Do you know how we are going to get out of polluting the Southwest of this country? We are considering loans from our multilateral institutions to these mining projects that have been financed by the American taxpayer and now we are going to bail them out again by giving them loans so that they can clean up their pollution which they refuse to do internally.

I mean, how much are we going to put up with? This is why I think a clear signal in support of the amendment of my colleague, the gentleman from West Virginia, is important.

Mr. KLECZKA. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to my colleague from Wisconsin.

Mr. KLECZKA. Mr. Chairman, I thank the gentleman for yielding.

Is the gentleman saying that if in fact Rahall was part of the law during the time of those transactions that additional copper ore would not have been mined or those countries involved would not have been able to get the equipment to mine that product on the international markets?

Mr. RICHARDSON. I would say so. I do not know of cases where Mexico or some of the copper-producing countries, the Perus of the world with their debt records, whether anybody else is lending them money at this time.

I mean, here we have a case where if we can send a signal, and we know that this is going to be diluted, I do not see why the gentleman is so negative toward it when I think it could have a positive effect.

Mr. KLECZKA. Well, if the gentleman from New Mexico will yield further, if in fact that is the case and these other countries were not vying for the sale of that equipment, then the Neal amendment which is before us next would apply and if there is no competition, then the other criteria; so basically what the gentleman is doing with that example anyway is arguing for Neal; but to say that the additional copper would not have been mined, that the equipment would not have been purchased from the United Kingdom or any other country, is sheer hogwash.

The only thing we are doing with the Rahall amendment is denying our manufacturers and our U.S. employees from making that equipment, because it is going to be made and sold anyway.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

(At the request of Mr. CRAIG, and by unanimous consent, Mr. RICHARDSON was allowed to proceed for 3 additional minutes.)

Mr. CRAIG. Mr. Chairman, will my colleague yield?

Mr. RICHARDSON. I yield to the gentleman from Idaho.

Mr. CRAIG. Mr. Chairman, I think the point that my colleague, the gentleman from New Mexico makes about the Mexican copper smelter is a good one. It is a good one for a variety of reasons. It is not just the Exim Bank, but it is a variety of other international lending institutions that create the kind of dynamics that exist out there.

Then what happens once the industry is in place, it no longer is sensitive to market pricing because it must be driven by cash-flow to service its loans, to keep itself out of trouble and the sponsoring government, or in this case the Mexican Government, out of trouble.

We know in instance after instance, whether it is Brazil or Colombia or Peru or Mexico, where we have seen a catch-22. Yes, it may have been our companies that use the tools of Exim to provide them with the materials or the equipment, but that country also found additional financing through the World Bank.

The combination of the two things as commodity markets slump across the world, and we are using world prices and we are dealing with miner-

als markets, is that they cannot slow their production down to limit the availability, to cause the market to rise; they simply must increase their production and continue to increase their production to service their cash-flow because these international lending institutions are demanding it.

What happens when you do that? You continually depress the market. Last year there were 35,000 copper workers out of work in this country because of Mexico and Peru and because in part of our liberal financing policies.

Now, it was not in Idaho, but it was in New Mexico and it was in Arizona and it was in Utah.

What are we doing for those copper people? Oh, we are providing them with unemployment, food stamps, and all those good things, and it is costing us billions of dollars to do so and now we are going to refinance that smelter in Mexico because the prevailing winds dump it in the State of my colleague from New Mexico and in Arizona.

If that is not a catch-22, please wake up to the reality of what you are doing.

Mr NEAL. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I have been heard too much on this. I just must, though, say one more thing.

The gentleman from Minnesota [Mr. FRENZEL] said earlier that he thought part of this problem had to do with a misunderstanding of what Exim does. Exim is not an aid agency. I believe that is the perception of some of the speakers in this House.

The Exim exists to finance our exporters, creating jobs in this country in a very competitive world.

The Rahall amendment would not save one, not one, job in this country in copper or coal or anything else. It simply will cost us jobs in other industries that face serious competition in world trade. That is the key in all this.

I urge adoption of our amendment and rejection of the Rahall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. NEAL] to the amendment offered by the gentleman from West Virginia [Mr. RAHALL].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 307, noes 87, not voting 37, as follows:

[Roll No. 213]

AYES—307

Akaka	Franklin	Mica
Alexander	Frenzel	Michel
Andrews	Fuqua	Miller (CA)
Annunzio	Gallo	Miller (WA)
Anthony	Gejdenson	Mitchell
Archer	Gephardt	Moakley
Armey	Gibbons	Montgomery
Atkins	Gilman	Moody
Badham	Gingrich	Moorhead
Barnes	Glickman	Morrison (CT)
Bartlett	Goodling	Morrison (WA)
Barton	Gordon	Mrazek
Bateman	Gradison	Myers
Bates	Green	Natcher
Bedell	Gregg	Neal
Beilenson	Guarini	Nelson
Bennett	Gunderson	Nichols
Bereuter	Hall (OH)	Nielson
Berman	Hamilton	Nowak
Bliley	Hammerschmidt	Obey
Boehlert	Hansen	Olin
Boggs	Hartnett	Ortiz
Boland	Hefner	Oxley
Bonior (MI)	Hendon	Packard
Bonker	Henry	Panetta
Bosco	Hiler	Parris
Boucher	Hopkins	Pease
Boxer	Horton	Penny
Brooks	Hoyer	Pepper
Broomfield	Huckaby	Petri
Brown (CA)	Hughes	Pickle
Bruce	Hunter	Porter
Burton (CA)	Hutto	Price
Burton (IN)	Hyde	Pursell
Bustamante	Ireland	Rangel
Byron	Jacobs	Ray
Callahan	Jeffords	Reid
Carper	Johnson	Ridge
Carr	Kasich	Rinaldo
Chandler	Kastenmeier	Ritter
Chapman	Kemp	Roberts
Chappell	Kennelly	Rodino
Cheney	Kindness	Rose
Clay	Kleczka	Rostenkowski
Coats	Kolbe	Roth
Cobey	Kostmayer	Roukema
Coble	Kramer	Rowland (CT)
Coelho	LaFalce	Rowland (GA)
Coleman (MO)	Lagomarsino	Rudd
Coleman (TX)	Lantos	Sabo
Combest	Latta	Saxton
Conte	Leach (IA)	Schaefer
Cooper	Leath (TX)	Scheuer
Coughlin	Lehman (CA)	Schneider
Courter	Lehman (FL)	Schroeder
Coyne	Lent	Schuette
Crane	Levine (CA)	Schumer
Crockett	Lewis (CA)	Sensenbrenner
Daniel	Lewis (FL)	Sharp
Dannemeyer	Lightfoot	Shaw
Darden	Lipinski	Shuster
Daschle	Livingston	Siljander
Daub	Lloyd	Sisisky
Davis	Loeffler	Skeen
DeLay	Long	Skelton
Derrick	Lott	Slattery
DeWine	Lowery (CA)	Slaughter
Dickinson	Lowry (WA)	Smith (FL)
Dicks	Lujan	Smith (IA)
DioGuardi	Luken	Smith (NE)
Dixon	Lundine	Smith (NJ)
Donnelly	Lungren	Smith, Denny (OR)
Dorgan (ND)	MacKay	Smith, Robert (NH)
Dornan (CA)	Madigan	Smith, Robert (OR)
Dreier	Manton	Snowe
Duncan	Markey	Snyder
Durbin	Martin (IL)	Solarz
Dyson	Martin (NY)	Spence
Early	Martinez	St Germain
Eckert (NY)	Matsui	Stallings
Edgar	Mavroules	Stangeland
Edwards (CA)	Mazzoli	Stokes
English	McCain	Strang
Evans (IA)	McCandless	Stratton
Evans (IL)	McCollum	Studds
Fascell	McCurdy	Stump
Fawell	McDade	Sundquist
Fazio	McGrath	Sweeney
Fish	McHugh	Swift
Flippo	McKernan	Swindall
Foley	McKinney	Synar
Ford (TN)	McMillan	Tauke
Frank	Meyers	Taylor
		Thomas (CA)
		Thomas (GA)
		Torricelli
		Traxler
		Valentine
		Vander Jagt
		Vento
		Volkmer
		Walgren
		Watkins
		Waxman
		Weber
		Weiss
		Wheat
		Whitley
		Whitten
		Wilson
		Wirth
		Wolf
		Wolpe
		Wortley
		Wright
		Wyden
		Wylie
		Yates
		Young (AK)
		Young (MO)
		Zschau

NOES—87

Anderson	Hatcher	Rahall
Applegate	Hawkins	Regula
Bentley	Hayes	Richardson
Bevill	Hertel	Robinson
Biaggi	Howard	Roe
Borski	Hubbard	Roemer
Boulter	Jenkins	Rogers
Brown (CO)	Jones (TN)	Roybal
Bryant	Kanjorski	Russo
Clinger	Kaptur	Savage
Craig	Kildee	Schulze
Dellums	Kolter	Seiberling
Dingell	Levin (MI)	Shelby
Dowdy	Mack	Shumway
Dwyer	McCloskey	Sikorski
Eckart (OH)	McEwen	Solomon
Emerson	Mikulski	Staggers
Erdreich	Miller (OH)	Stenholm
Feighan	Molinari	Tallon
Foglietta	Mollohan	Tauzin
Ford (MI)	Monson	Torres
Frost	Murphy	Towns
Garcia	Murtha	Udall
Gaydos	Oakar	Visclosky
Gekas	Oberstar	Vucanovich
Gonzalez	Owens	Walker
Gray (IL)	Pashayan	Williams
Gray (PA)	Perkins	Wise
Hall, Ralph	Quillen	Yatron

NOT VOTING—37

Ackerman	Downey	Marlenee
Aspin	Dymally	Mineta
AuCoin	Edwards (OK)	Moore
Barnard	Fiedler	O'Brien
Bilirakis	Fields	Spratt
Boner (TN)	Florio	Stark
Breaux	Fowler	Traficant
Campbell	Grotberg	Weaver
Carney	Hillis	Whitehurst
Chappie	Holt	Whittaker
Collins	Jones (NC)	Young (FL)
Conyers	Jones (OK)	
de la Garza	Leland	

□ 1630

Messrs. GEKAS, RUSSO, BRYANT, FOGLIETTA, BROWN of Colorado, WALKER, and GRAY of Illinois, Ms. OAKAR, and Messrs. GRAY of Pennsylvania, RALPH M. HALL, SEIBERLING, HAYES, OWENS, TOWNS, SHELBY, and EMERSON changed their votes from "aye" to "no."

Messrs. COUGHLIN, HEFNER, and VOLKMER changed their votes from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1640

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. RAHALL], as amended.

The amendment, as amended, was agreed to.

PARLIAMENTARY INQUIRY

Mr. CHANDLER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHANDLER. Mr. Chairman, I would like to inquire, what is the status of the Rahall amendment as amended?

The CHAIRMAN. The Rahall amendment, as amended, has been agreed to.

Mr. CHANDLER. I thank the Chair.

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRANE: Page 9, after line 2, add the following new section:

SEC. 12. PROHIBITION ON AID TO MARXIST-LENINIST COUNTRIES.

Section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2) is amended—

(1) in subparagraph (A), by striking out "Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961," and inserting in lieu thereof "Marxist-Leninist country";

(2) in subparagraph (B), by striking out "Communist country (as defined)" and inserting in lieu thereof "Marxist-Leninist country";

(3) by striking out "such Communist" each place such term appears and inserting in lieu thereof "such Marxist-Leninist"; and

(4) by adding at the end thereof the following: "For the purposes of this paragraph, the term 'Marxist-Leninist country' means a country which—

"(i) maintains a centrally planned economy based on the principles of Marxist-Leninism, or

"(ii) is politically, economically, or militarily dependent on the Union of Soviet Socialist Republics or on any other Communist country,

and includes specifically (but is not limited to) the following countries:

"Cambodian People's Republic.
"Cooperative Republic of Guyana.
"Czechoslovak Socialist Republic.
"Democratic People's Republic of Korea.
"Democratic Republic of Afghanistan.
"Estonia.
"German Democratic Republic.
"Hungarian People's Republic.
"Lao People's Democratic Republic.
"Latvia.
"Lithuania.
"Mongolian People's Republic.
"People's Democratic Republic of Yemen.
"People's Republic of Albania.
"People's Republic of Angola.
"People's Republic of Benin.
"People's Republic of Bulgaria.
"People's Republic of China.
"People's Republic of the Congo.
"People's Republic of Mozambique.
"Polish People's Republic.
"Republic of Cuba.
"Republic of Nicaragua.
"Socialist Ethiopia.
"Socialist Federal Republic of Yugoslavia.
"Socialist Republic of Romania.
"Socialist Republic of Vietnam.
"Surinam.
"Tibet.
"Union of Soviet Socialist Republics (including its captive constituent republics).".

Mr. CRANE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Chairman, we have heard extended debate on several amendments, and I do not think my amendments are going to stir up any extended controversy, except perhaps to register objections from some who may disagree with what I am attempting to do.

Let me explain very briefly. The first amendment that I have before the body this afternoon deals with the prohibition on aid to Marxist-Leninist countries. Now, when the Foreign Assistance Act originally passed in 1961, 25 years ago, there was a list of approximately 18 countries.

□ 1650

I can expedite this process, Mr. Chairman. We can get through it in short order, I think, because the gentleman from North Carolina has been provided with copies of the amendment as well as the gentleman on the minority side here.

The first amendment simply expands the definition of countries that can potentially be put on a list that would not be beneficiaries of Eximbank loans or guarantees or insurance. The rationale behind it is that in the last 25 years, Mr. Chairman, there have been changes in the world that expand at least those countries that, by their own definition, are Marxist-Leninist countries, have collectivist centralized economies and, under the definition of my amendment, are politically, economically, or militarily dependent on the Union of Soviet Socialist Republics or on other Communist countries.

These countries, if I may briefly enumerate them include: Afghanistan, Angola, Benin, Congo, Ethiopia, Guyana, Kampuchea, Laos, Mozambique, Nicaragua, South Yemen, and Surinam.

Originally in the Foreign Assistance Act of 1961 there were 18 countries listed in this category, and my amendment would add an additional 12 countries, as I have enumerated.

All of these countries, Mr. Chairman, are self-defined Marxist-Leninist states, and they are countries that can potentially, by being added to this list, be put into the category of noneligibility, as the original 18 were, for receipt of Eximbank loans. This does not mean that they will be. In fact, of the 12, currently 8 are receiving Eximbank loans. My amendment in no way alters that. That is a separate decision that has to be made by the responsible authorities. At the present time, of the original 18, Mr. Chairman, 5 are currently beneficiaries of Eximbank loans. My amendment does not in any way alter their potential continued eligibility. It says, though, that they could, by being added to this list as Marxist-Leninist states, lose their eligibility if the responsible parties would so determine.

Mr. Chairman, I think this amendment is in order based upon obvious alterations in terms of the forms of government of the countries in question in the last 25-year timeframe. All I am doing is bringing up to date the countries that have defined themselves as Marxist-Leninist and meet the criteria that were originally set forth for the original 18.

So, Mr. Chairman, it seems to me that this is a relatively noncontroversial amendment. As I say, it does not affect the eligibility of any of the countries currently receiving Eximbank loans, and 8 of those 12 that I just mentioned are. It does not touch that issue. That is another issue, separate and detached from this. This simply says they could come under that qualification whereby invoking that original sanction provision of the Foreign Assistance Act these countries would be included, but it does not stipulate that waivers could not be invoked just as they have for 5 of the original 18.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I would be happy to yield to the distinguished chairman of the subcommittee, the gentleman from North Carolina [Mr. NEAL].

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CRANE] has expired.

(On request of Mr. NEAL and by unanimous consent, Mr. CRANE was allowed to proceed for 3 additional minutes.)

Mr. NEAL. I thank the gentleman for yielding.

My question, Mr. Chairman, is, what is the administration's position on this? Does the gentleman know?

Mr. CRANE. The administration, I do not believe, could have a contradictory position except for one thing. That is the State Department, as the distinguished subcommittee chairman knows. The State Department said that Angola was not a Communist country. Their rationale to defend the non-Communist definition was that it permits United States businesses to operate within Angola. Well, by that same definition you could say the Union of Soviet Socialist Republics are not a Communist nation because Chase Manhattan has been in there for years along with other American businesses.

Mr. NEAL. Would the gentleman yield for a question?

Mr. CRANE. I yield to the gentleman from North Carolina.

Mr. NEAL. I thank the gentleman for yielding. As I understand the impact of the amendment of the gentleman would add to the list that

would require specific Presidential permission if we were going to do with any—and I am not stating this very clearly—but I believe what the gentleman is trying to do is say that for any of these countries the President would have to say it is in the national interest for us to be able to support exports to any of these countries.

Mr. CRANE. Exactly; the chairman is absolutely correct; just as he did in the case of Romania most recently. My point is that I was one of those plaintiffs in that case against Eximbank loans to Angola, and we got that bizarre definition of the Angolan Government from our State Department. I say clarify it. Then let State come back and give us the argumentation in behalf of a waiver, as the President obviously did in the case of Romania.

As I say, this does not affect Angola's eligibility except to the extent that it does force the administration to say, "yes indeed, they do not meet the traditional criteria for Eximbank loans, but here are the reasons why we are going to extend a waiver notwithstanding that point."

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CRANE] has again expired.

(On request of Mr. NEAL and by unanimous consent, Mr. CRANE was allowed to proceed for 3 additional minutes.)

Mr. NEAL. Mr. Chairman, will the gentleman continue to yield?

Mr. CRANE. I yield to the distinguished chairman.

Mr. NEAL. I thank the gentleman for yielding further.

As I understand it, the gentleman has another amendment that he will be offering that would then say that the President cannot waiver any of these countries, is that correct?

Mr. CRANE. The chairman is absolutely correct. My second amendment would bring that waiver authority back to this body where it should have resided in the first place. Policy questions of this nature should be determined by the Congress of the United States inasmuch as we are talking about taxpayer's moneys being expended this way or that. That is indeed my second amendment. As I said, again, it does not mandate a waiver or a nonwaiver, that is the second amendment; it just says that authority should be vested in the Congress of the United States and specifically it should originate in the House.

Mr. NEAL. But then, for instance, I notice China is on the list; could the gentleman explain the procedure that would be necessary for there to be the opportunity for us to continue to try to export to China?

Mr. CRANE. The procedure in terms of criteria would not be different from the existing criteria that applied to a Presidential waiver, but Congress would make that determination. The ultimate decision on whether the waiver is granted would be a congressional decision; subject, to be sure, to a Presidential veto which the Congress could override if the body were so inclined.

Mr. NEAL. What I am really trying to understand is specifically how the procedure would work. Let us take and say that we pass this amendment, China is now on the list of those countries prohibited to support exports to, and now the President may think it is in the national interest for us to trade with China, to try to get them to open their markets, to get them to open their system and so on. But he would not be able to do anything about it. What could be done for us to be in a situation where we could then trade with China?

Mr. CRANE. Let me address this amendment first because this amendment does not apply to that waiver authority. The waiver authority in my first amendment would still reside in the White House under the existing criteria, and my amendment in no way touches the People's Republic of China, Hungary, Poland, Romania, Yugoslavia, the current countries on the original Foreign Assistance Act list. These countries are currently countries on the banned list where the President has invoked his waiver authority. On this additional list of mine, currently 8 of the 12 countries in question are countries where Eximbank authority has been invoked but the waiver has not been required. All that would be required under my amendment is that the President submit the same argumentation for Angola, Benin, Congo, Ethiopia, Guyana, Mozambique, South Yemen, and Surinam for this waiver to be continued in practice under this legislation.

Mr. LEACH of Iowa. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I think we all understand this is a trade reduction amendment. It misunderstands the usefulness of trade and also misunderstands the nature of the Export-Import Bank. We do not have precisely a taxpayer-funded institution. The Export-Import Bank is a federally chartered but self-financing institution. Since its inception in 1934, the Bank has returned $1 billion to the Treasury and built up $1.5 billion in reserves. The Export-Import Bank only gives where there are contracts that other countries would otherwise have gotten. What the Crane amendment does, it denies the United States the capacity to make money off Communist states. It also denies the United States the capacity to influence particular Communist states away, for example, from the Soviet orbit, as to some degree we are seeing in China today.

I would urge defeat of this amendment. As attractive as it might appear in the first instance, I think in the second instance it would be dramatically against the best interests of this country and our manufacturers and our economy.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have several concerns about the Crane amendment, the first being the overall consistency of the U.S. foreign policy. We have identified in section 620(f) of the Foreign Assistance Act what constitutes a Communist country. Indeed we have gone on to enumerate those 18 countries involved.

The Eximbank authorization makes cross-reference to those countries.

Mr. CRANE, by way of his amendment, now proposes to list all of the countries in section 620(f) as well as 12 additional countries, coming up to 30 nations, which would no longer qualify for the Eximbank loans unless, of course, waivered by the President of the United States for national security reasons.

I think if we are going to deal with this problem of identifying Communist countries, we ought to do so in the Foreign Assistance Act so we have a basic consistency as to how we apply that act in the many manifestations of U.S. law. But if we have the Foreign Assistance Act identifying 18 countries as Communist to which we will not provide any form of economic or security assistance, and then we turn around and identify a list of 30 countries that are so characterized as Communist for cutoff of U.S. Ex-imbank trade benefits, then we have a basic inconsistency. Indeed I think we are placing a much greater burden on the trade community by expanding the list than we are on countries that otherwise might be available for U.S. assistance subject to 620(f) of the Foreign Assistance Act. The second concern I have with respect to the Crane amendment is the overall loss of export opportunities by way of now disallowing trade, at least that kind of trade that is financed by Export-Import Bank over 30 countries of the world. There is no question that other countries would not apply a similar policy. And we are getting into areas of credit financing that really give countries an edge in this fiercely competitive world economy. And we ask why we have this staggering trade deficit when we continue to apply economic sanctions in various forms on the countries on the left as well as countries on the right. And there is no reason why we cannot add Chile and South Korea to this list as long as we are looking at countries with whom we disagree.

□ 1705

I think that if we are going to identify and punish recalcitrant countries, we ought to look at alternatives other than using trade sanctions, or, in this case, denying the Exim an opportunity to match credit practices in other countries. Otherwise, we are going to end up with a policy that does not punish these countries, but only punishes U.S. suppliers, U.S. exporters, and it can only add up to an even greater trade deficit.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the sponsor of the amendment.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, my amendment does not address the concerns that the gentleman from Washington is focusing on. My amendment simply is consistent with the original Foreign Assistance Act in defining those countries that, if we are going to make waivers for them, should have some pressing rationale behind that action. Presumably since 8 of the 12 countries I have added to the list are already beneficiaries of Eximbank loans and inasmuch as this administration most recently insisted that Angola, notwithstanding my objections, should be eligible, I do not think the gentleman has anything to fear from this amendment on that score. The administration, if it believes Eximbank funding is right now, will surely embrace the concept of extending Eximbank lending authority in the future to the 8 out of the 12 countries that are already Eximbank beneficiaries. So my amendment does not make that value judgment.

I think the gentleman's concern may be a valid one in terms of total trade, but if that is valid, then we may as well go back and repeal the original sanctions against the original 18 countries that were put on the list. Only five of them have had the waiver authority invoked to guarantee the Eximbank loans for them.

So, as I say, I am not making a value judgment on that issue in my amendment.

Mr. NEAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have very mixed feelings about this amendment. Taking the argument made by the gentleman from Illinois that all this does is expand the list and bring it up to date, I have a certain affinity for that. But what I am worried about is the gentleman's second amendment, when the other shoe drops, and the gentleman says that the President cannot say that it is in the national interest for us to export to China, for example, or some of these other countries.

Now there are times when it is in our national interest to try to trade with a country to bring it our way. Yugoslavia might be a good example. Czechoslovakia might be an example. I cannot say right now what all those countries might be. But under our Constitution there is a very primary responsibility for foreign affairs vested with the President. I noticed over and over again the Republican side makes that argument when they are trying to get support for one foreign policy initiative or another.

As I say, the second amendment would, I believe, cripple this President or any other in the conduct of important foreign policy.

I am just wondering if there might be some possibility of compromise here whereby maybe we accepted this and dropped the second one. If we could do something like that, I believe that the country could sort of live with it.

Mr. CRANE. Mr. Chairman, will the distinguished chairman yield?

Mr. NEAL. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, that sounds like a pretty good tradeoff to me and, in the interest of expediting our activities this afternoon, I will happily trade off the elimination of Presidential waiver authority. Frankly, as I mentioned before, I would like to see that ultimately resident in the Congress rather than the White House, regardless of who is down at the other end of Pennsylvania Avenue. But if the gentleman will accept the extension of the 12 countries, I will happily withdraw my second amendment from consideration.

Mr. NEAL. Mr. Chairman, of course, I can only speak for myself, but I would certainly be willing myself to do that. As I say, I cannot speak for anyone else.

I do not see the damage myself in this one. It just expands a list that is already on the books. The other one, I believe, could be a crippling amendment.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I am happy to yield to the gentleman from Washington.

Mr. BONKER. Mr. Chairman, does the chairman have knowledge of any existing Eximbank loans or loan guarantees or insurance involving the 12 countries that are being offered in this amendment?

In other words, are we just talking about an issue that is relatively mute, that Exim is not indeed involved in transactions concerning the countries named in the amendment?

Mr. NEAL. Mr. Chairman, I am sorry, but I am not quite sure. I just saw this the first time a few minutes ago and I really do not know. Maybe the gentleman from Illinois [Mr. CRANE] knows.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I think I can help the gentleman on that.

Eight of the twelve countries on this list are current recipients of Eximbank loans.

Mr. BONKER. Mr. Chairman, if the gentleman will yield, could the gentleman from Illinois name those eight?

Mr. CRANE. Mr. Chairman, the countries that are currently recipients are Angola, Benin, Congo, Ethiopia, Guyana, Mozambique, South Yemen, and Suriname.

I can only suppose that because of the rationalization already proffered by the State Department on the Angola question, it is a simple invocation of a waiver authority and that minor inconvenience would fall on the shoulder of the President rather than bringing it here for us to make by withdrawing my second amendment at the request of the distinguished chairman.

Mr. BONKER. Mr. Chairman, if the gentleman will yield further, the gentleman from Illinois would presume that the President would use the waiver authority that he has and, I suspect, would continue if the gentleman drops his second amendment pursuant to this agreement, to waive those existing transactions, but possibly in the future he could still exercise that authority to either endorse or oppose future Eximbank loans to the countries involved.

Mr. CRANE. If the chairman will yield to a response to that, that is true, and that is why in the best of all worlds, as I said, we would take that waiver authority power here and this body would be making that determination. I think that is more appropriate. On the other hand, in the interest of trying to expedite matters, I will withdraw that and wait for another year and then come back and suggest that we might reconsider that amendment.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. NEAL] has expired.

(By unanimous consent, Mr. NEAL was allowed to proceed for 5 additional minutes.)

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Chairman, the gentleman from Illinois [Mr. CRANE] has made a very graceful offer of trading off. The second amendment, frankly, is much more serious than the first, although the second amendment is, quite frankly, a more serious slap in the face of the administration, because the second amendment, in effect, curtails administration policy in a bill that is only 2 years in jurisdiction. So it is a vote of no confidence in Ronald Reagan.

But the administration opposes both amendments, and they oppose them very forcefully, because what we are doing in Congress is putting them increasingly on the spot.

Frankly, I have some doubts about the gentleman's approach. I do not think it is truly devastating to the country. It is not that grave an issue.

But I do feel obligated as the ranking minority member of the committee of jurisdiction to reflect the administration's strong concerns on all three of these amendments and strong wish that they all be defeated.

I personally view the first of the amendments as not being overly troublesome, but the next two as being exceedingly troublesome. But I do want to reflect the administration's disapproval of all three amendments.

Mr. CRANE. Mr. Chairman, will the chairman yield?

Mr. NEAL. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, my third amendment is one that, very frankly, as you know, deals with the lack of support on the part of Exim beneficiaries for our positions at the United Nations. I must confess it had a political motivation behind it, and it was to send a message to some of these countries that have been beneficiaries of American assistance in the past and who have a woeful lack of support for U.S. positions at the United Nations.

As yet a further concession, I would be willing to withdraw that one so that we can speed up the process and get to final passage.

I agree with my distinguished colleague, the gentleman from Iowa, that admittedly No. 2 and No. 3 have political overtones, but are not necessarily directed at this administration because we could be at variance with another administration at the White House in the future.

But I will withdraw No. 2 and No. 3 amendments.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Chairman, I think the gentleman from Illinois has made a very graceful offer to the House and it ought to be seriously considered. I certainly would follow the lead of the gentleman from Illinois.

Mr. NEAL. I agree with the distinguished gentleman, and for my part would be willing to accept this amendment if the gentleman will drop the other two.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I thank the distinguished chairman, and I thank the distinguished minority leader here. If we could put it to a vote with that support, I am deeply in the gentleman's debt.

Mr. ROTH. Mr. Chairman, I rise in strong support of the Crane amendment and commend the gentleman from Illinois for this effort to make Eximbank lending programs more reflective of our national interest.

This is not an argument between liberals and conservatives, but rather a dispute between Congress and the executive branch.

In the past, Congress has clearly stated in Eximbank's charter that it does not believe programs administered by the U.S. Government ought to be spent to finance exports to Communist countries. This was set forth in the 1962 Foreign Assistance Act—the so-called 620(f) list. Earlier today, this body voted to accept an amendment banning Exim loans to Angola, a nation with obvious Cuban and Soviet ties.

I have no quarrel with any United States company that wants to sell United States products to the Soviet bloc, as long as those products don't jeopardize national security. But I do not feel we should be subsidizing those sales. That has been the position of Congress time and time again.

Yet, we find that again and again Eximbank is indeed financing sales to Communist countries. Exim has financed Gulf Oil facilities in Angola. Exim credits and guarantees, subsidized at a rate of 9 percent, helped finance improvements to a Hilton hotel and commercial aircraft for Ethiopia.

In a letter to me on April 7, from the White House, National Security Adviser Poindexter acknowledged that:

Neither the Act, its legislative history, nor the State Department itself have articulated specific criteria for determining whether a country should be added to the Communist country list * * * the Department [of State's] decision not to consider Angola and Mozambique Communist countries is based on [State Department guidelines] as well as the fact that Congress has never recommended adding either country to the list.

Congress has an obligation to make it very clear on behalf of our constituents that we believe that the Communist country list of 1962 is outdated. Such a list that does not include the names of Ethiopia, Nicaragua, Angola, and Mozambique is obviously out of date.

Turning to one other specific example, Ethiopia is a self-proclaimed Marxist-Leninist state. I think we can take Colonel Mengistu's word for it, but even the Subcommittee on Africa unanimously agreed 3 months ago to add Ethiopia to the Communist country list. In Ethiopia, Colonel Mengistu and his Communist party cadre have wholly embraced the Soviet model. The entire countryside is being collectivized and thousands of children are dying in the process.

Yet we continue to treat Ethiopia like a free world country, opening up our coffers in a way that only serves to perpetuate one of the world's most brutal regimes and allows Communist leaders to wade in American-subsidized swimming pools and fly first class on American-built airplanes.

Whether our failure to deny Exim loans to Ethiopia is the result of bureaucratic rigidity or some other reason, there is no earthly national interest which is served by failing to recognize the obvious and to take corrective action.

I urge my colleagues to support this amendment. It sends the appropriate message to the administration, to the taxpayer, and to foreign governments that there are limits to our willingness to subsidize exports to Soviet client states.

□ 1715

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GRAY of Illinois] having assumed the chair, Mr. BERMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4510) to amend the Export-Import Bank Act of 1945, and for other purposes, pursuant to House Resolution 472, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2902

Mr. KLECZKA. Mr. Speaker, I ask unanimous consent that my name be removed from the list of consponsors of H.R. 2902.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4003

Mr. MOLINARI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. LOWERY] have his named removed as a cosponsor of H.R. 4003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *July 9, 1986.*

Hon. THOMAS P. O'NEILL, Jr.,

The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that I have been served with a subpoena *duces tecum* issued by the Superior Court of the District of Columbia.

After consultation with my General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and immunities of the House of Representatives.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FISCAL YEAR 1987

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September, 30, 1987, and for other purposes.

Mr. MYERS of Indiana reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPEAL OF THE PRIVATE EXPRESS STATUTE: AN IDEOLOGICAL INVITATION TO CHAOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH of Iowa. Mr. Speaker, just before the Fourth of July congressional recess, Director of the Office of Management and Budget James Miller announced that the Reagan administration could be expected to submit formal proposals for weakening and potentially dismantling the Private Express Statute.

If such a proposal is brought to Congress, the administration should be put on notice that there will be Republicans in this House who will refuse to toe the "party" line.

Dating back to 1789, the Private Express Statute has been the bedrock of America's mail delivery system. Its repeal would be an invitation to chaos. In rural areas particularly, tampering with custom and precedent would almost certainly destroy the infrastructure for affordable first-class mail delivery.

The breakup of AT&T caused many Americans to recall the phrase: "if it ain't broke, don't fix it." For rural citizens, deregulating the Postal Service would be far more traumatic and expensive.

There may be some potential for private companies to rake off the cream of easily deliverable mail in urban areas, but rural areas would be left high and dry as the rate base for decentralized mail delivery is undercut.

The U.S. Postal Service is one of the oldest and most venerated Federal responsibilities, dating back to the founding of the Republic. The history of mail delivery is a microcosm of the history of our country. From the pouched messages of the War of 1812, to the Pony Express, to rail car sorting, to air transport and computerized distribution centers today, the U.S. Postal Service has never let the country down. In good times and bad, in hail, sleet, and snow, the mail has always come through.

During most of the 200-year history of the Postal Service the Federal Government has underwritten approximately 20 percent of the cost of delivering the mail. Impressively, in recent years, this subsidy has dropped to one-fifth of that historical average.

In fact, the U.S. Postal Service provides the best mail service in the world at a cost only tiny Belgium can beat.

Despite the cheap criticism it sometimes receives, the Postal Service is doing a remarkably good job. In my 10 years in office, for instance, I have not received a single complaint against a postal worker for failing to meet his or her responsibilities on the job.

Now and then a horror story surfaces about a letter that takes 2 weeks to get from Strawberry Point to Burlington, but 99.9 percent of the mail is delivered in a timely and courteous fashion. I stress "courteous" because the postal worker is one of the strongest and most respected links between Government in Washington and the average citizen, whether at home, on the farm, in a nursing home, or big city apartment.

As symbolized in new initiatives of the Postal Service to encourage postal workers to spot unusual circumstances where deliveries are made, particularly in geographically isolated situations where the handicapped and elderly live, the postal worker is a bulwark of community safety and values.

Dismantling the Private Express Statute is ideologically toying with the livelihoods of thousands of America's most solid citizens.

Hints of efforts to revamp the Private Express Statute can only strike the vast majority of Americans living away from the urban centers on the east and west coasts of how out of touch with reality Washington bureaucrats can get.

If talk of such a plan is a "trial balloon," my hope is it will go over in Congress like a lead one. This is one idea that should be put to rest—quickly, firmly, and finally.

□ 1725

ADM. HYMAN RICKOVER, USN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, Adm. H.G. Rickover, one of our greatest patriots, died on July 8, 1986. Based on my many years of first-hand association with Admiral Rickover, I am familiar with his outstanding contributions to the defense and security for our Nation. The courage, determination, and dedication this great patriot devoted to his efforts are unequaled, as were his accomplishments. All of the citizens of this great Nation owe him a great debt.

The unprecedented accomplishments of Admiral Rickover in the technical field cannot be overemphasized. He had the vision and fortitude to see the limitless potential of nuclear energy in submarine propulsion and then carrying out the enormously difficult mission of making it a reality. This was done in the face of many detractors and outright opponents that would easily have discouraged most men. Thank God we had a person such as Rickover who had the perseverance to bring into being our first line of defense and security. To contemplate a world without Admiral Rickover's contributions to our security would be incomprehensible.

In addition to his direct contribution to our security Admiral Rickover in his work has also contributed vitally to our general welfare. Who has contributed more to the development of a safe, reliable, and environmentally benign new energy source? It is ironic to consider the arguments of detractors to the use of nuclear energy in the light of Admiral Rickover's achievement in the use of nuclear energy for the propulsion of submarines. We hear the argument that nuclear energy is not safe. But consider in a submarine the energy source—the nuclear reactor—is hermetically sealed in the same envelope as are the operators with no detrimental effect on them. Likewise the argument of the detractors that nuclear power is not reliable. In what application is the reliability of the energy source more critical than in the energy supply of a submarine? And consider, too, that this nuclear energy source

is so reliable that only one unit is provided in a submarine. Still another argument used by the detractors of nuclear energy is that the environmental effects are unacceptable. But in what application would an adverse environmental effect be more unacceptable than in a submarine? Yet Admiral Rickover's work has proven that these submarines are completely acceptable on the surface and beneath the sea.

Admiral Rickover's legacy lies in the more than 100 nuclear submarines and over a dozen first line surface warships now on station. We honor the memory of Admiral Rickover for bringing it about. In memory of his vast contributions I would urge that the next class of nuclear submarines, the SSN21 class, be designated the Rickover class—the new submarines for the 21st century. This would be a most significant and appropriate move to commemorate the father of the nuclear navy, as well as the landmark achievement in the shipping port nuclear land-based reactor. Had Admiral Rickover been permitted to oversee our civilian nuclear industry the progress of nuclear energy would have been vastly different: no Three Mile Island and no Shoreham controversy, possibly even no Ed Markey.●

TENNESSEE WILDERNESS ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. QUILLEN] is recognized for 5 minutes.

Mr. QUILLEN. Mr. Speaker, I am, along with my colleague, Mr. DUNCAN, today introducing the Tennessee Wilderness Act of 1986.

The bill carries out the wilderness recommendations of the United States Forest Service in regard to the Cherokee National Forest in Tennessee. All of the forest land affected by this bill lies within the First and Second Congressional Districts of Tennessee represented by myself and Mr. DUNCAN.

The bill designates six areas of the Cherokee National Forest as wilderness by declaring them components of the National Wilderness Preservation System. These six areas and the approximate acreage of each are:

First, Pond Mountain Wilderness, 6,665 acres;

Second, Big Laurel Branch Wilderness, 6,251 acres;

Third, Unaka Mountain Wilderness, 4,700 acres;

Fourth, Sampson Mountain Wilderness, 8,319 acres;

Fifth, Little Frog Mountain Wilderness, 4,800 acres; and

Sixth, Big Frog Wilderness, 3,000 acres.

The bill designates approximately 33,735 acres as wilderness and when added to the present wilderness acreage of the Cherokee National Forest, will result in approximately 66,000 acres of wilderness, amounting to about 11 percent of the forest's total area.

Because the Appalachian National Scenic Trail runs through parts of the Cherokee National Forest Affected by this bill, special protections have been included for those who use the trail. The bill authorizes within the wilderness areas the use of trail signs and markings, the maintenance and reconstruction of shelters and other trail-related structures, and the construction, reconstruction, an maintenance of rustic footbridges, waterbars, and other structures necessary or desirable for protection of the land and for the safety of the public.

Finally the bill releases lands for nonwilderness management within the Cherokee National Forest in line with recent wilderness bills enacted by the Congress.

Mr. DUNCAN and I have worked with many Tennesseans interested in the management of the Cherokee National Forest in drawing up this bill. We believe it enjoys broad support among the people of our districts and we hope to move the bill expeditiously through the legislative process to enactment in this session of Congress.

ENSHRINEMENT OF IGNACY JAN PADEREWSKI'S HEART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives that on June 29, the heart of the late Ignacy Jan Paderewski, the great statesman, composer, patriot, and pianist of Polish descent, was enshrined in the name of Polonia, in a solemn ceremony at the National Shrine of Our Lady of Czestochowa at Doylestown, PA.

Ignacy Jan Paderewski, not only had a brilliant career in music, but also was an outstanding statesman and patriot, who at every opportunity and in every available forum until his death in 1941, delivered his inspiring message of his vision for a strong and independent Poland. The enshrinement of Paderewski's immortal heart was a historic occasion in the history of Polonia, and this enshrinement will continue to be a source of inspiration and encouragement for all freedom-loving people and Poles throughout the world.

I would like to take this opportunity to congratulate the members of the Paderewski Heart Enshrinement Committee, who worked so diligently in their efforts, including Henry Archacki, chairman of the committee, who originally located the heart, and Dr. Edward C. Rozanski, cochairman of the committee, and Aloysius A. Mazewski, president of the Polish American Congress, who selflessly worked to make the transfer of the heart possible from the Cypress Hills Cemetery and Abbey in Brooklyn, NY.

A listing of the members of the Paderewski Heart Enshrinement Executive Committee and the Polish American Congress Executive Committee, the program for the enshrinement ceremonies, and an article written by Henry Archacki on the actions taken which enabled the enshrinement of the heart follow:

PADEREWSKI HEART ENSHRINEMENT EXECUTIVE COMMITTEE

Aloysius A. Mazewski, President.
Henry Archacki, Chairman.
Dr. Edward C. Rozanski, Co-Chairman.
Maria Krakowska, Secretary.
Edward Dykla, Treasurer.
Nina Busse, Chairman, Fund Drive.
Helen Trzcinska-Wajda, Chairman, Program Book.

POLISH AMERICAN CONGRESS EXECUTIVE COMMITTEE

Aloysius A. Mazewski, President.
Helen Zielinski, Vice President.
Kazimierz Lukomski, Vice President.
Dr. Edward C. Rozanski, Secretary General.
Francis A. Rutkowski, Treasurer.

PROGRAM

11:30 A.M.—Procession into the Church: Clergy, Flags and Banners, P.A.C. Delegation and Guests, Veterans, Organizations.

12:00 Noon—Solemn Mass and Paderewski Heart Ceremony; Rt. Rev. Bishop Czeslaw Domin from Poland, Principal Celebrant and Homily; Fr. Lucius Tyrasinski, O.S.P., and Clergy in attendance, Co-Celebrants; Edward C. Rozanski, C.L.J., Deacon of the Mass; and Edward Dykla and Maria Krakowska, Readers.

AFTER THE MASS

1. Opening Remarks, Henry Archacki, Chairman, P.H.E.C.
2. Remarks for all the Veterans, Boleslaw Laszewski, National Commander, S.W.A.P.
3. Message from P.A.C., Aloysius A. Mazewski, President P.A.C. and P.N.A.
4. Unveiling, A.A. Mazewski and Clarence J. Paderewski.
5. Blessing, Rt. Rev. Czeslaw Domin, assisted by Fr. Lucius Tyrasinski and Clergy.
6. Wreath Placing, P.A.C. Enshrinement Committee Members..
7. Boze Cos Polske, Assembly and Choir.

IN QUEST OF THE HEART

(By Henry Archacki)

July 1, 1941, we viewed Paderewski lying in state in Hotel Buckingham. The Maestro reposed full length under a glass cover. It was then that we learned how Paderewski's Heart had been removed by Jan Smolenski . . . Two years later, while in Smolenski's chapel, we were to learn that Paderewski's Heart was still there with no clear cut instructions as to its disposition. Mr. Smolenski said he was becoming restive about the Heart and that "He would have to place it somewhere." That somewhere was not to be revealed until after John Smolenski's death in 1953. And then only through a chance visit to the Cypress Hills Abbey on Memorial Day, 1959. While inspecting the classic architecture of the Abbey, our brother-in-law, Conrad J. Wycka, had disappeared into the furthest wing. He came back shortly with the news that Paderewski was buried there! . . . It was then clear to us just where John Smolenski had placed Paderewski's Heart when we stood before a marble name-plate reading Ignacy Jan Paderewski 1860-1941. The Polish spelling of Ignacy convinced us that this was indeed the place to which John Smolenski had brought the Heart . . . From 1959 to 1966 we endeavored to spread the news of Paderewski's Heart placement. First, to the Paderewski Foundation then to the Kosciuszko Foundation, Polish Army Veterans Association and the Polish American Congress. There was little interest . . .

The warmest reception came from Fr. Michael Zembruski, founder of the National Shrine of Our Lady of Czestochowa which now stood in imposing awe upon Beacon Hill in Doylestown. At last a Shrine . . . But Polonia was not ready.

The year was now 1966, August 7th to be exact. That Sunday we visited the Abbey and paid a personal tribute to the memory of Paderewski by placing a wreath. Then in

conversation with Louis Worthington, the custodian, we learned that three persons from Poland visited the Abbey and sat in front of the Paderewski Heart niche for six hours before leaving. It was then that we realized that the marble name plate was actually loose.

When we queried Worthington as to the possibility of its removal he asked whether we wanted to remove it and see what was inside. We certainly did! Shortly, we were peering at a rectangular urn which looked pallid and dusty. It has been knotted with a cord, inside of which was a card noting that this was the Heart of Ignacy Jan Paderewski, placed there Dec. 28, 1945.

Noting the ease with which the marble plate was removed, we became apprehensive as to future visitors from Poland. We then asked the Cypress Hills Abbey to seal the niche permanently. This was done with dispatch.

Again the years intervened. It was now 1983. The Polish American Congress was meeting in Washington. An historic resolution was introduced by Secretary, Dr. Edward C. Rozanski, asking that the national body undertake the enshrinement of Paderewski's heart in the name of Polonia as had been so long ago requested by Mme. Wilkonska.

Unfortunately, the PAC as an entity moved slowly. Another three years passed until PAC president Aloysius Mazewski named Henry Archacki the Chairman of the Paderewski Heart Enshrinement Committee; Dr. Edward C. Rozanski was named Co-Chairman. We were in business but with no money in the till.

July 5, 1985, we visited Cypress Hills Cemetery to learn if Paderewski's Heart was still there. Superintendent Gerald B. Egan, greeted us with interest. In fact, Mr. Egan offered us copies of all the information on file as to the Heart. Most voluminous was that of Congressman Clement Zablocki in 1962.

Mr. Gerald B. Egan informed us that Paderewski's Heart could be released at the request of the next-of-kin. That next-of-kin was an eminent architect living in San Diego, Clarence Joseph Paderewski. We had met in 1973 when Mr. Paderewski chaired the Copernican Quincentennial Observance there.

C. J. Paderewski responded with an affidavit of acquiescence. Now the Paderewski Heart Enshrinement Committee had a purpose to at last enact Mme. Wilkonska's testament on the night Paderewski died—that of giving His Heart for enshrinement in the name of Polonia.

On November 16, 1985, a pilgrimage was made to the National Shrine of Our Lady of Czestochowa in Doylestown, PA. The visit was to confer with Director Rev. Lucjusz Tyrasinski to confirm his voiced willingness to accept the Heart in the same noble tradition as Holy Cross Church in Warsaw did when Chopin's and Reymont's Hearts were enshrined. The purpose of our visit in the company of Col. Anthony K. Podbielski was also to select a likely area where the Paderewski Heart Bronze Memorial could be placed for Polonia to venerate.

Fr. Tyrasinski was most helpful. The Inner west wall of the main entrance was selected and we then advised Andrzej Pitynski, sculptor, of the choice. Pitynski's concept was on a broader scale so he urged Fr. Tyrasinski to offer the last remaining wall space in the Shrine's Memorial Hall for that greatest of all tributes—the Paderewski Heart Memorial Bronze.

On April 5, 1986, the official transfer of Paderewski's Heart was witnessed by a devoted group. Chairman Henry Archacki was accompanied by Col. Anthony Podbielski, Bayonne, NJ, historian; and Jerzy Koss, artist/historiographer of New York. From Long Island came Chester Wrobel, President of the Polish American Museum in Port Washington, in the company of Dr. Raymond R. Adamczyk, Curator;

Andrzej Pitynski, sculptor, arrived from Brooklyn, NY; Capt. Kenneth R. Force, U.S. Merchant Marine Academy of Kings Point, NY, accompanied Gerald B. Egan, Superintendent of Cypress Hills Cemetery. All gathered in front of the Paderewski Heart Niche where Gerald Egan lifted the Heart urn and handed it over to Chairman Archacki. It was a moment of extreme solemnity.

Once in our hands the marble urn felt cool, but quickly warmed within our grasp. We all posed documenting this historic transfer of Paderewski's Heart into the legal possession of the Polish American Congress.

The physical transfer of Paderewski's Heart had been made. The legal transfer took place in Gerald Egan's office. Here Henry Archacki, as Chairman, signed the documents that allowed Paderewski's Heart to leave the sanctity of Cypress Hills Abbey and proceed on is final journey to be soon venerated by thousands of Polonians who faithfully visit the National Shrine of Our Lady of Czestochowa in Doylestown, PA. Here Paderewski's Heart will no longer be alone. Here it will listen to Polish prayers, hymns and voices. The Memorial Hall of the Shrine will be graced with its finest tribute—Paderewski's Noble Heart. Paderewski's Heart had one more stop before enshrinement—that of the J. Seward Johnson Atelier in Mercerville, New Jersey . . .

Here, in this unique creative facility, J. Seward Johnson, a sculptor of national scope, had built a school for advanced sculptors learning the most noble of arts—bronze casting. Here, Andrzej Pitynski, as supervisor of the modeling, enlarging and molding department, found the means to fashion his gallery of notable bronzes ranging from his 30 foot "Partisans" displayed on the Boston Commons to the Paderewski Heart Bronze. Here, Paderewski's Heart was enshrined ending a quest of forty-five years. Witnesses were Henry Archacki, Fr. Lucjusz Tyrasinski, Col. Anthony Podbielski, Jerzy Koss, Tadeusz W. Dziekanowski, Andrzej Pitynski and J. Seward Johnson. The historic date was June 21st, 1986.

Sunday, June 29th, 1986, after High Mass in the National Shrine of Our Lady of Czestochowa, the Paderewski Heart Memorial Bronze was unveiled by President Aloysius A. Mazewski and Clarence Joseph Paderewski and blessed by Bishop Domin of Poland.

ADMINISTRATION'S NEGLECT OF OSHA LEADS TO MORE SUFFERING BY WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania, Mr. GAYDOS, is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, the Bureau of National Affairs is about to publish a book by Sar Levitan, Peter E. Carlson, and Isaac Shapiro that will assail this administration's attitude and approach toward the American worker.

A recent analysis of the book, "Protecting American Workers: An Assessment of Government Programs," will show that since 1981, there has been a significant deterioration in the Federal Government's efforts on behalf of America's working men and women. The analysis was submitted to the Joint Economic Committee last month.

While I am concerned about this administration's failure in the total area of assistance to workers, as chairman of the Subcommittee on Health and Safety, I am especially grieved by the lack of compassion for the health and safety of workers.

The subcommittee, through its oversight activities, has chided both the present and former Secretaries of Labor as well as several former Assistant Secretaries of Labor for Occupational Safety and Health about the dereliction to duty by OSHA leadership.

We have consistently asked administration leaders in the Labor Department, at OSHA, at MSHA, and at NIOSH whether the budgets being submitted for their Departments and Agencies are sufficient to do the job. Each has always answered that the budgets are adequate.

Well, the budgets are adequate—especially when you reduce the work.

The Levitan and Shapiro analysis focuses on that same point—that OSHA's enforcement activities have shrunken at the same time its budgets have been pared and its staff reduced.

In fact, Mr. Speaker, if you look at the patterns of budgeting for five Federal agencies in the arena of occupational safety and health—the Occupational Safety and Health Administration, the Mine Safety and Health Administration, the Occupational Safety and Health Review Commission, the Mine Safety and Health Review Commission and the National Institute for Occupational Safety and Health—you will notice significant changes after the 1981 budgets.

OSHA, for example, was created in the Occupational Safety and Health Act of 1970 and actually came into being in 1972 with a budget request of nearly $31 million. From then until 1981, OSHA received increasingly larger budget amounts, ranging from 6 percent in some years to almost 20 percent in others.

In 1982, however, the OSHA budget was reduced by some $5 million from the 1981 level and, even though the budgets were increased since then, it took two more budgets before the cuts made in 1982 were recovered.

MSHA, too, had its budget reduced, but not until 1983. This administration included a very modest increase in MSHA's 1982 budget, but then trimmed the MSHA budgets for both

1983 and 1984, before again providing additional dollars in 1985.

The same general pattern occurs for the Occupational Safety and Health Review Commission, the Mine Safety and Health Review Commission, and the National Institute for Occupational Safety and Health.

I have included at the end of my statement a listing of budget requests for the five agencies.

But there is more to occupational safety and health than budgets. Insofar as OSHA is concerned, inspections, citations and fines coupled with the promulgation of meaningful health and safety standards are good means of judging how active and concerned the agency—or the administration—is about the American workers.

The answer with regard to this administration is clear: it does as little as it has to.

The analysis notes that while nine new health standards that strengthened worker protection were promulgated during the 4-year Carter administration, the first 5 years of the present administration have not been as productive.

In those 5 years, six health standards were promulgated. Of those six, however, only two actually strengthened workplace safety and health standards.

The respiratory protection and hearing conservation standards revised earlier rules and allow employers more flexibility in compliance. The coal tar pitch volatiles standard modified an earlier rule by excluding petroleum asphalt from coverage and the cotton dust standard also revised an earlier one.

Of the two meaningful standards, the ethylene oxide standard was issued only after the courts ordered OSHA to speed up its rulemaking process and the hazard communication standard was substantially watered down from the previously proposed version. Further, even though the courts have ordered certain revisions and expansions of the standard, OSHA has not yet complied.

We can now add to the list a revised asbestos standard, but it is clear that the internal struggle to bring this one forth is only now beginning to be understood.

When Secretary of Labor Bill Brock appeared before the subcommittee in early May, he promised that the asbestos standard would be ready by the end of that month. Well, he missed his prediction by some 2 weeks, but, at long last, a meaningful standard is now in place. I seriously doubt that the other standards pending action by OSHA—benzene and formaldehyde among them—will see the light of day in this year. We can only hope they will be in place next year.

Even if Secretary Brock can get more action out of OSHA, I don't believe even he will be able to overcome the expected objections and continued interference of the Office of Management and Budget. But, even beyond the promulgation of standards, OSHA under this administration has led to a drop in contested citations and a serious decline in real, meaningful inspections.

I know that OSHA officials will point with pride to the recent citation against the Union Carbide facility at Institute, WV. I am sure everyone remembers that Union Carbide was cited for 221 violations of health and safety rules and regulations and that a fine of $1.37 million was proposed.

Well, it may be a little too early for anyone to start crowing over that. We have yet to see if OSHA will cave in under the pressure that will be exerted to reduce that proposed fine amount.

The record speaks for itself. In the past, OSHA has reduced fines, levied smaller fines, or just ignored serious conditions.

Let me just cite one recent example of a case at least as serious as the Union Carbide one in that the citation alleged 137 instances where the company failed to record injuries and illnesses that resulted in lost workdays or reduced work status.

If you remember, Union Carbide was cited for 128 such violations.

The earlier case was at least as bad as the Union Carbide one, but it drew a lot less attention because of the way OSHA handled it.

Before I get into the specifics of the Allied Chemical/North American Refractories case, let me go over some general information about this administration's policies for OSHA.

The focus was, and is, voluntary compliance. Under this program, any company that maintained its injury and illness rate below the rate for all industry, would not be inspected beyond a records check.

For budget purposes, this was deemed a full inspection, or, at any rate, was not singled out as strictly a records check.

Although we on the Subcommittee on Health and Safety questioned this direction for OSHA, we were assured by administration officials that this program approach would allow OSHA to direct its modest resources toward those industries and activities where more OSHA observation and intervention was needed.

It is only now coming to light that the entire voluntary compliance program was a sham, a fraud, and the case involving Allied Chemical/North American Refractories is just one shining example.

On February 6, 1985, OSHA's area office in Harrisburg, PA, initiated an inspection in response to an employee complaint at the North American Refractories Co., a subsidiary of Allied Chemical.

The complaint alleged safety and health violations at the plant, so a safety inspector and an industrial hygienist were sent to investigate. During the OSHA inspection, the union's safety and health committee chairman noted that there appeared to be numerous recordkeeping discrepancies on the OSHA 200 logs kept by the company.

A thorough review of injury/illness records from 1980 through April 1985 revealed the following: No irregularities for 1980, but 137 instances between 1981 and April 1985 where the company had failed to record a lost workday or restricted duty by an employee on the required OSHA logs.

On September 27, 1985, OSHA issued a citation to North American Refractories, specifying 137 willful instances of incorrect recordkeeping. The violation was classified as willful because OSHA believes the company deliberately failed to record the instances in order to lower its lost workday injury rate, and, thereby, become exempt from comprehensive safety inspections.

Unlike the Union Carbide citation where each of the instances was cited as a separate violation, the North American Refractory instances were grouped as a single violation and a penalty of $5,000 was proposed.

In January 1986, a new company was formed to buy North American Refractories from Allied Chemical and the new entity accepted responsibility for OSHA's citation, entered into a formal settlement agreement reducing the proposed $5,000 penalty to $3,500.

It truly bothers me, Mr. Speaker, that OSHA has been so derelict in its duties, not because of its permanent staff, but because this administration is less than concerned about an agency or operation that might provide a service to some workers.

In 1983, OSHA initiated a safety inspection of the North American Refractories plant, but no inspection was actually conducted since the lost workday injury rate of 3.5 was below the average for manufacturing.

Again, in 1984, in response to an employee complaint, OSHA inspected the company's injury and illness records and calculated the lost workday rate at 1.6, well below the national average, so the OSHA inspection was limited only to the items listed in the complaint.

In reconstructing the real injury and illness numbers, OSHA has now calculated that the company's lost workday injury rates would have been well above the national rate for both 1983 and 1984 and that the comprehensive inspections should have occurred.

Clearly, Mr. Speaker, the recent action against Union Carbide is unique

in the light of OSHA's policies and patterns during the past 5 years of this administration.

Must we continue to kill between 5,000 and 10,000 American workers a year on the job? Must another 3 or 4 million workers a year face serious injury and, possibly, permanent disability?

And what about the 100,000 workers who, even Dr. J. Donald Millar of NIOSH says, die each year of occupationally related diseases?

Surely we can take some significant action to reduce or eliminate those deaths and disabling injuries and illnesses.

I and the almost 140 colleagues who are cosponsors of my bill, H.R. 1309, the High Risk Occupational Disease Notification and Prevention Act, believe that we can do something that, at the very least, will reduce the number of American workers who will die or be disabled because of diseases directly related to exposures to a variety of highly toxic and hazardous substances and processes in the workplace.

□ 1820

At this point I want to reminisce a bit. When we brought the black lung legislation before this House, in those States of Pennsylvania, Ohio, Kentucky, Illinois, West Virginia, and others where black lung, which is pneumoconiosis, and which almost inevitably affects most miners, developed over a period of years. That disease closes off the air sacs of the lung and causes a consequential death, which further results in widowhood and numerous children who then were not educated and who then worked in the area, and they, again, died from black lung.

I remember on the floor of the House here when people said, "You are going to break the company, you are going to break the country and you are going to do something so terrible that there will be no business." Well, it turned out to be the most humane piece of legislation we passed in the last 15 years. I remember all those who participated in that legislation.

At that time they indicated and prognosticated and said that this would be the shining hour, that this would hopefully be the example that we would follow in future years as far as other types of diseases are concerned.

You know, you would have no concern unless you have witnessed somebody die from black lung. They are gasping for breath, cannot breathe, it is a horrible death, I repeat, it is a horrible death which I would not wish on my most vehement enemy. It is just a bad death.

Well, we have the same thing occurring in industry today. We have asbestos, another disease, a bad death also, where the fibers work their way into the lung and respiratory system, and you cannot correct it, it is impossible to correct once you have got it. And you die in the same manner.

Now we have all of the toxic chemicals. We have in the neighborhood of 25,000 admitted by our scientists that are toxic. We have employees who are supporting families or working with them, absorbing them through their skin. We have numerous evidentiary records that they sometimes bring the poisonous material home with them such as the Kepone issue down in Maryland, they bring it home and the children become infected.

Now, people die, and I guess maybe there are a lot of people who when they die do not have much note taken of the fact, but the fact is that many of them were started in the factories.

The least that we as a government can do for the American people and for the citizens of this country is to at least discharge our obligation, which is to provide a decent, healthy, safe workplace for them. To date we have not done it.

This bill was recently ordered reported favorably by the Committee on Education and Labor and, as of this moment, Mr. Speaker, we are awaiting word on when time can be scheduled for debate on the House floor.

H.R. 1309, a most significant piece of legislation, simply provides for identifying worker categories that are at particularly high risk of diseases resulting from exposures to a wide range of toxic and hazardous substances in the workplace.

H.R. 1309 provides for notifying those workers individually of their risks and encourages them to enter into a program of medical monitoring and counseling. I might add at this point that it is up to the workers themselves to decide if they want to enter the medical surveillance program.

Finally, it is the goal of H.R. 1309, through this process of identification, notification, and medical monitoring to prevent those deaths and disabilities from arising.

By medically observing workers, we will learn more about what safe exposures are and should be. This will lead to more adequate health standards for substances, assuming OSHA can ever get the process moving at some reasonable pace. It will lead to new engineering systems that will prevent the exposures in the first place. And it may lead to the development and use of alternative substances that are far less toxic.

All of those elements will lead to the prevention of exposures that cause diseases that result in death and disability.

In the interim, however, medical monitoring will help us watch the health conditions of workers who have been exposed and are at risk of getting the various diseases.

And, given the long period of latency associated with many of the work-related diseases, monitoring and surveillance will allow doctors to discover the onset of those diseases at the earliest possible states—the time when medical intervention and treatment is likely to be most successful.

We should be aware that many involved in the treatment of cancer, including occupationally related cancer, believe that prevention is the only successful way to deal with cancer.

These cancer scientists say that treatment of cancer is not as likely to work and, in fact, by focusing on treatment instead of prevention, we may be losing the war. H.R. 1309 addresses that issue.

Dr. H. Arnold Muller, Pennsylvania's Secretary of Health, says the prevention of cancer is the first goal and early detection of cancer is the second goal.

Early detection saves dollars in treatments, Dr. Muller says, and increases the chances of success. He notes that the cost of treating an advanced stage case of cervical cancer is about $35,000. Detecting cervical cancer in its earliest stages can result in an average treatment cost of $500, a cost differential of 70 times. H.R. 1309 addresses that issue as well.

All of the witnesses who testified at the five intensive hearings on H.R. 1309 conducted jointly by the subcommittees on Health and Safety and on Labor Standards said they supported the concept of notifying workers as to their risks of disease from workplace exposures to hazardous and toxic substances and processes.

I have no reason not to believe them. What I cannot understand is how they can actually believe OSHA's hazard communication standard serves as an alternative. The two approaches are not the same.

OSHA's hazard communication standards is designed to inform workers that they are handling a hazardous material. Through the material safety data sheet sent with substances, it may tell them what the acute and chronic health hazards of exposure to the substance are, but it does not tell them that because of the specific job they do they are at greater risk than others of getting a disease associated with that substance.

Further, we don't know how accurate the material safety data sheets are. California OSHA reviewed some 20,000 of them and found that about 80 percent suffered from errors generally related to data on the acute and chronic health hazards.

And, despite what OSHA says about its own capabilities, it does not have the staff to determine if the material

safety data sheets are accurate or have omitted information unless that error is very glaring.

H.R. 1309 is aimed at improving the health conditions of American workers and at reducing costs to American businessmen. Certainly, if we prevent these diseases from occurring, there will be fewer workers' compensation claims, fewer medical claims for illnesses, fewer days lost from work because of illnesses, and more productivity.

H.R. 1309 creates a program that will prove very beneficial to this country's economy in addition to its people.

Budget requests for health and safety agencies since 1972

Occupational Safety and Health Administration:	
1972	$30,884,000
1973	69,373,000
1974	69,836,000
1975	102,821,000
1976	117,585,000
1977	130,820,000
1978	139,070,000
1979	164,540,000
1980	179,520,000
1981	209,580,000
1982	203,487,000
1983	207,649,000
1984	210,860,000
1985	217,234,000
Mine Safety and Health Administration:	
1972	33,042,500
1973	31,352,000
1974	31,069,000
1975	69,046,000
1976	83,646,000
1977	95,481,000
1978	115,199,000
1979	131,113,000
1980	138,511,000
1981	156,720,000
1982	157,534,000
1983	152,435,000
1984	148,032,000
1985	150,209,000
Occupational Safety and Health Review Commission:	
1972	400,000
1973	5,979,000
1974	4,890,000
1975	5,720,000
1976	5,806,000
1977	6,280,000
1978	7,150,000
1979	7,658,000
1980	7,550,000
1981	7,860,000
1982	7,787,000
1983	6,316,000
1984	6,331,000
1985	6,143,000
Mine Safety and Health Review Commission:[1]	
1979	4,776,000
1980	4,770,000
1981	4,680,000
1982	3,992,000
1983	3,686,000
1984	3,858,000
1985	3,837,000
National Institute for Occupational Safety and Health:	
1972	16,465,000
1973	28,317,000
1974	25,600,000
1975	25,848,000
1976	32,181,000
1977	37,107,000
1978	49,177,000
1979	57,094,000
1980	76,552,000
1981	82,705,000
1982	81,500,000
1983	50,521,000
1984	54,620,000
1985	56,445,000

[1] Did not come into existence until 1979.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ADM. H.G. RICKOVER

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, yesterday a most appropriate memorial service was held at the National Cathedral in our Nation's Capital for an outstanding patriot and an outstanding and humanistic person, Adm. H.G. Rickover. Admiral Rickover died on July 8, 1986. I have had the great honor and pleasure of four decades of close association with Admiral Rickover. I have firsthand knowledge of his great devotion to the interests of our Nation, his tireless efforts to contribute to the freedom, well-being, and security of our Nation and his great success in all of these endeavors. I do not know another person in my long career in government who has accomplished so much to protect our freedom and security. Every citizen owes a great deal to Admiral Rickover for what he has done over the 64 years he served in the Navy, and since he retired.

Reflecting on the life and accomplishments of this great patriot, I cannot help but recall what adversity he had to face in carrying out his work. He had to contend with the problems of being an immigrant, with the resentment by some because of his Jewish ancestry, and even the adversity he encountered in the professional engineering community. Still with his drive and dedication he brought into practical existence, in docile and productive form, a new energy source which is now our prime deterrent to attack by any potential enemy.

I recall vividly his vision and foresight in proposing the use of nuclear energy for submarine propulsion. I also recall the arguments of the adversaries that nuclear energy could not be developed to the degree that its control would be so complete and precise that it would be safe, and practical in all of the varied and extreme conditions imposed on a nuclear warship. That he did it is an accomplished and proven fact. We now have as our first line of defense 135 nuclear submarines operating safely and reliably all over the world. We also have over a dozen surface warships operating without restrictions to protect our interests.

The know-how and high confidence which flowed from the remarkable accomplishments of the Rickover programs, along with the engineering and management skills of the thousands of professionals and skilled workers who served under the Admiral, underpinned the outstanding successes of our Nation's civilian Nuclear Power Program. Our future energy security and well-being has been provided for by the resulting Nuclear Power Program. The fact that other nations have adopted our civilian power technology as well as the Rickover methodologies in their civilian power programs stands as a living tribute to the unique contributions of Rickover to humanitarian benefits from nuclear power.

Those of us who were blessed in knowing Rickover and working closely with him for decades know that no man could have loved his country more, albeit in an old-fashioned way.

I want to convey my deepest sympathy to the members of Admiral Rickover's family on their great personal loss. I would like to specially convey my sympathy to admiral Rickover's wife, Eleonore, who was so devoted to the care and support of her husband.

At the close of my remarks, I am including a brief biography of Admiral Rickover from yesterday's memorial service.

IN MEMORIAM—ADM. HYMAN G. RICKOVER, USN, RETIRED

Admiral Rickover, the Father of the Nuclear Navy, was born in Makow, Russia on January 27, 1900. At the age of six, he emigrated with his parents to the United States, settling in Chicago, Illinois. Admiral Rickover entered the U.S. Naval Academy in 1918 and was commissioned an ensign in June 1922.

Following sea duty aboard USS *La Vallette* (DD-315) and USS *Nevada* (BB-36), Admiral Rickover attended Columbia University where he earned the degree of Master of Science in Electrical Engineering. From 1929 to 1933, Admiral Rickover served in the submarines S-9 and S-48 and became qualified in submarines and for submarine command. In June 1937, Admiral Rickover assumed command of USS *Finch*. Later that year, he was selected as an Engineering Duty Officer and spent the remainder of his career serving in that specialty.

During World War II, Admiral Rickover served as Head of the Electrical Section of the Bureau of Ships and later as Commanding Officer of the Naval Repair Base, Okinawa. After the war, Admiral Rickover was assigned to the Manhattan Project at Oak Ridge, Tennessee and, in early 1949, was assigned to the Division of Reactor Development, U.S. Atomic Energy Commission.

As Director of the Naval Reactors Branch, Admiral Rickover developed the world's first nuclear powered submarine, USS *Nautilus* (SSN-571), which first went to sea in January 1955. In the years that followed, Admiral Rickover directed all aspects of building and manning the fleet of more than 150 nuclear powered surface ships and submarines which has compiled an unequaled record of safety and reliability.

Admiral Rickover's numerous medals and decorations include the Distinguished Service Medal, Legion of Merit, Navy Commen-

dation Medal, World War I Victory Medal. In recognition of his wartime service, he was made Honorary Commander of the Military Division of the Most Excellent Order of the British Empire.

Admiral Rickover was twice awarded the Congressional Gold Medal for exceptional public service. In 1980, President Jimmy Carter presented Admiral Rickover with the Presidential Medal of Freedom, the nation's highest civilian honor, for his contributions to world peace.

Admiral Rickover retired from the United States Navy on January 19, 1982 after 64 years of service to his country and to 13 Presidents. His name is memorialized in the attack submarine USS *Hyman G. Rickover* (SSN-709) and Rickover Hall at the U.S. Naval Academy.

Admiral Rickover is survived by his wife, Eleonore B. Rickover of Arlington, Virginia, his son, Robert M. Rickover of Toronto, Canada, and his sister, Augusta Berman of Chicago, Illinois.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILIRAKIS (at the request of Mr. MICHEL) for today on account of official business.

Mrs. COLLINS (at the request of Mr. WRIGHT) from July 15 to July 17 on account of medical reasons.

Mr. JONES of North Carolina (at the request of Mr. WRIGHT) for this week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LUNGREN) to revise and extend their remarks and include extraneous material:)

Mr. LEACH of Iowa, for 5 minutes, today.

Mr. QUILLEN, for 5 minutes, today.

(The following Members (at the request of Mr. KLECZKA) to revise and extend their remarks and include extraneous material:)

Mr. STRATTON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. FRANK, for 60 minutes, on July 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NEAL, and to include extraneous matter, during general debate on H.R. 4510, in the Committee of the Whole, today.

Mr. ALEXANDER, on H.R. 4510, following the remarks of Mr. ENGLISH, in the Committee of the Whole, today.

(The following Members (at the request of Mr. LUNGREN) and to include extraneous matter:)

Mr. CONTE.
Mr. CLINGER.
Mr. GILMAN in three instances.
Mr. DENNY SMITH.
Mr. COURTER in three instances.
Mr. MOORHEAD in two instances.
Mr. LIGHTFOOT.
Mr. VANDER JAGT.
Mr. JEFFORDS.
Mr. STANGELAND.
Mr. RITTER.
Mr. LAGOMARSINO.
Mr. KINDNESS.
Mr. DORNAN of California.
Mr. GEKAS.

(The following Members (at the request of Mr. KLECZKA) and to include extraneous matter:)

Mr. UDALL.
Mr. EDWARDS of California.
Mr. LEHMAN of Florida.
Mr. HAMILTON.
Mr. DINGELL.
Mr. COELHO.
Mr. KOSTMAYER.
Mr. ATKINS.
Mr. RANGEL.
Mr. ST GERMAIN.
Mr. MURTHA.
Mr. ACKERMAN.
Mr. MATSUI.
Mr. FRANK.
Mr. ROE.
Mr. LIPINSKI.
Mr. RODINO.
Mr. KILDEE in two instances.
Mr. LELAND.
Mr. BROOKS.
Mr. LOWRY of Washington.
Mr. GARCIA.
Mrs. BURTON of California.
Mr. STARK.
Mr. MRAZEK.

ADJOURNMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), pursuant to House Resolution 491, the House adjourned until tomorrow, Wednesday, July 16, 1986, at 10 o'clock a.m. in memory of the late Honorable John P. East.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3868. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a final rule which reorganizes and redesignates regulations for child-resistant packaging of pesticides, under the Federal Insecticide, Fungicide, and Rodenticide Act, pursuant to 7 U.S.C. 136w(a)(4); to the Committee on Agriculture.

3869. Communication from the President of the United States, transmitting a request for supplemental appropriations by the District of Columbia for the fiscal year 1986, pursuant to 31 U.S.C. 1107 (H. Doc. No. 99-246); to the Committee on Appropriations and ordered to be printed.

3870. A letter from the Deputy Secretary of Defense, transmitting a report of a violation by the Department of the Air Force of the obligation or expenditure of funds in excess of amounts available in an appropriation or fund in advance of an appropriation or exceeding the limitation on voluntary services (violation of 31 U.S.C. 1341(a) or 1342), pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

3871. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-184, "D.C. Compensatory Time Off Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3872. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-185, "Volunteer Service Credit Program Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3873. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-186, "Employee Debt Set-Off Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3874. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 6-187, "Metropolitan Police Department Pay and Benefit Conformance Act of 1986", and report, pursuant to D.C. Code section 1-233(C)(1); to the Committee on the District of Columbia.

3875. A letter from the Secretary of Education, transmitting a copy of final amendments for the State Vocational Education Program and Secretary's Discretionary Programs of Vocational Education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3876. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the texts of ILO convention No. 161 and recommendation No. 171 concerning occupational health services, adopted by the International Labor Conference at its 71st session, at Geneva, June 26, 1985, pursuant to article 19 of the Constitution of the International Labor Organization; to the Committee on Foreign Affairs.

3877. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Reginald Bartholomew of Virginia, Ambassador Extraordinary and Plenipotentiary-designate to Spain, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3878. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3879. A letter from the Under Secretary of State for Security Assistance, Science and Technology, transmitting a report concerning aircraft of U.S. origin in Ethiopia, pursuant to section 3, AECA; to the Committee on Foreign Affairs.

3880. A letter from the Administrator of Veterans Affairs, transmitting notification of an altered Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Governmental Operations.

3881. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use of funds awarded the Aleut Tribe in docket No. 369 before the U.S. Claims Court, pursuant to 25 U.S.C. 1402(a), 1404; to the Committee on Interior and Insular Affairs.

3882. A letter from the Secretary of Health and Human Services, transmitting a report on the fiscal year 1984 Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly, to the Committee on Education and Labor and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Iowa: Committee on Appropriations. H.R. 5161. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agancies for the fiscal year ending September 30, 1987, and for other purposes. (Rept. 99-669). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEVILL: Committee on Appropriations. H.R. 5162. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1987, and for other purposes. (Rept. 99-670). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEVILL: Committee on Appropriations. Supplemental report on H.R. 5162 (Rept. 99-670, Pt. 2). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2826. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Horsepasture River in the State of North Carolina as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 99-671). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4878. A bill to require the Secretary of the Interior to submit to the House Interior and Insular Affairs Committee and the Senate Energy and Natural Resources Committee certain information regarding Micronesian governments. (Rept. 99-672). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. Report on subdivision of budget totals for fiscal year 1987 (Rept. 99-673). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIXON: Committee on Appropriations. H.R. 5175. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1987, and for other purposes (Rept. 99-675). Referred to the Committee of the Whole House on the State of the Union.

ADVERSE REPORTS

Under clause 3 of rule XIII,

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1140. A bill to amend the Sherman Act to prohibit a rail carrier from denying to shippers of certain commodities, with intent to monopolize, use of its track which affords the sole access by rail to such shippers to reach the track of a competing railroad or the destination of shipment and to apply Clayton Act penalties to monopolizing by rail carriers (Rept. 99-559, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4685. A bill to adjust the boundaries of areas of the National Wilderness Preservation System in the State of Texas, with an amendment. Referred to the Committee on Agriculture for a period ending not later than July 17, 1986, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X (Rept. 99-674, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SMITH of Iowa:

H.R. 5161. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1987, and for other purposes.

By Mr. BEVILL:

H.R. 5162. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1987, and for other purposes.

By Mr. BREAUX:

H.R. 5163. A bill to conserve the coastal wetlands of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. JEFFORDS:

H.R. 5164. A bill to amend title 23 of the United States Code to permit States to monitor certain Federal-aid primary roads with speed limits less than 55 miles per hour for purposes of determining compliance with the national maximum speed limit; to the Committee on Public Works and Transportation.

By Mr. MARTINEZ (for himself, Mr. HAWKINS, Mrs. COLLINS, Mr. BARNES, Mr. BONKER, Mr. COYNE, Mr. DELLUMS, Mr. DIXON, Mr. DOWNEY of New York, Mr. DYMALLY, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FRANK, Mr. FUSTER, Mr. GEJDENSON, Mr. HAYES, Mr. HORTON, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MARKEY, Mr. MATSUI, Mr. MRAZEK, Mr. OBERSTAR, Mr. OWENS, Mr. PEPPER, Mr. SEIBERLING, Mr. STOKES, Mr. SUNIA, Mr. SYNAR, Mr. TRAFICANT, Mr. UDALL, Mr. WHEAT, Mr. WILLIAMS, Mr. BUSTAMANTE, Mr. CONYERS, Mr. EVANS of Illinois, and Mr. KASTENMEIER):

H.R. 5165. A bill to require Federal entities that are subject to laws prohibiting employment discrimination to file with the Equal Employment Opportunity Commission reports regarding their compliance with such laws; and to compel such entities to file such reports; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. QUILLEN (for himself and Mr. DUNCAN):

H.R. 5166. A bill to designate certain lands in the Cherokee National Forest in the State of Tennessee as wilderness areas, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. RICHARDSON (for himself, Mr. LUJAN, and Mr. SKEEN):

H.R. 5167. A bill to declare that the United States holds certain public domain lands in trust for the pueblo of Zia; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT (for himself, Mr. DUNCAN, and Mr. JENKINS):

H.R. 5168. A bill to amend section 132 of the Internal Revenue Code of 1954 to provide that de minimis fringe benefits furnished by an employer to an employee may include a share in the cost of meals furnished off the business premises of the employer; to the Committee on Ways and Means.

By Mr. WILSON:

H.R. 5169. A bill to provide that the assignment of the senior military attache to the U.S. mission of a foreign country is subject to the approval of the Ambassador to that foreign country; to the Committee on Foreign Affairs.

H.R. 5170. A bill to designate the post office building to be constructed in West Liberty, TX, as the "M.P. Daniel and Thomas F. Calhoon, Sr., Post Office Building"; to the Committee on Post Office and Civil Service.

H.R. 5171. A bill to designate the building which will house the Federal court for the Eastern District of Texas in Lufkin, TX, as the "Ward R. Burke Federal Court Building"; to the Committee on Public Works and Transportation.

By Mr. ZSCHAU:

H.R. 5172. A bill to prohibit the expenditure of Federal funding for congressional newsletters; to the Committee on House Administration.

By Mr. DIXON:

H.R. 5175. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1987; and for other purposes; to the Committee on Appropriations.

By Mr. DORNAN of California (for himself and Ms. OAKAR):

H.J. Res. 669. Joint resolution expressing the sense of the Congress with respect to the freedom and independence of the people of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. HERTEL of Michigan:

H.J. Res. 670. Joint resolution to designate the week beginning August 31, 1986, as "National Pedestrian Safety Week"; to the Committee on Post Office and Civil Service.

By Mr. HEFNER:

H. Res. 491. Resolution expressing the condolences of the House on the death of the Honorable John P. East, a Senator from the State of North Carolina; considered and agreed to.

By Mr. FUSTER (for himself, Mr. PEASE, Mr. MARTINEZ, Mr. GONZALEZ, Mr. RICHARDSON, Mr. ROYBAL, Mr. ORTIZ, Mr. TORRES, Mr. DE LA GARZA, Mr. LUJAN, Mr. COELHO, Mr. BUSTA-

MANTE, Mr. GARCIA, Mr. BLAZ, Mr. DE LUGO, Mr. BATEMAN, Mrs. BENTLEY, Mr. BLILEY, Mr. BOEHLERT, Mrs. BURTON of California, Mr. FAZIO, Mr. FASCELL, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FRANKLIN, Mr. GALLO, Mr. GRAY of Pennsylvania, Mr. RALPH M. HALL, Mr. HORTON, Mr. HOWARD, Mr. KASICH, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LIPINSKI, Mr. LEVIN of Michigan, Mr. MANTON, Mr. MRAZEK, Mr. NIELSON of Utah, Ms. OAKER, Mr. REGULA, Mr. REID, Mr. ROE, Mr. SMITH of Florida, Mr. STRANG, Mr. SUNIA, Mr. TOWNS, Mr. SKELTON, and Mr. FISH):

H. Res. 492. A resolution to join the community of Lorain, OH, in commemorating the death of Capt. Fernando Ribas-Dominicci and Capt. Paul F. Lorence during the aid raid on Libya; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

423. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to food stamps; to the Committee on Agriculture.

424. Also, memorial of the senate of the State of Illinois, relative to South Africa; to the Committee on Foreign Affairs.

425. Also, memorial of the senate of the Commonwealth of Pennsylvania, relative to Americans missing and unaccounted for in Indochina; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GLICKMAN:

H.R. 5173. A bill for the relief of John H. Teele; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 5174. A bill for the relief of Genero Mory Domine, Jr.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 585: Mr. BARTON of Texas, Mr. BRUCE, Mr. TRAFICANT, and Mr. SPENCE.

H.R. 704: Mr. HYDE.

H.R. 864: Mr. GILMAN and Mr. BORSKI.

H.R. 1031: Mr. FAUNTROY.

H.R. 1032: Mr. FAUNTROY.

H.R. 1197: Mr. WEISS.

H.R. 1213: Mr. BUSTAMANTE, Mr. BOEHLERT, Mr. HYDE, Mr. MRAZEK, Mr. GALLO, Mr. CHAPMAN, Mr. HAYES, Mr. FLORIO, Mr. WYDEN, and Mr. MARKEY.

H.R. 1309: Mr. ATKINS, Mr. LAFALCE, and Mr. STOKES.

H.R. 1625: Mr. OWENS, Mr. STENHOLM, and Mr. MIKULSKI.

H.R. 1626: Ms. OAKAR.

H.R. 1875: Mr. HALL of Ohio, Mr. VENTO, Mr. CRAIG, and Mr. LUNDINE.

H.R. 1946: Mr. SMITH of New Hampshire.

H.R. 2504: Mr. CROCKETT, Mr. HORTON, Ms. OAKAR, Mr. GARCIA, Mr. TALLON, Mr. RICHARDSON, and Mr. CLAY.

H.R. 2663: Mr. PETRI, Ms. SNOWE, Mr. JACOBS, Mr. JEFFORDS, and Mr. MCDADE.

H.R. 2768: Ms. MIKULSKI.

H.R. 2984: Mr. HILER: Mr. LIGHTFOOT: Mr. MCCAIN, and Mr. DIOGUARDI.

H.R. 3024: Mr. HORTON, Mr. MCHUGH, Mr. KOSTMAYER, and Mr. DOWNEY of New York.

H.R. 3099: Mrs. KENNELLY, Mr. FORD of Michigan, Mr. FUSTER, Mr. LEVINE of California, Mr. WISE, Mr. STOKES, and Mr. BEDELL.

H.R. 3429: Mr. GEJDENSON, Mr. JEFFORDS, and Mr. COLEMAN of Texas.

H.R. 3431: Mr. OBERSTAR.

H.R. 3465: Mr. ATKINS, Mrs. MARTIN of Illinois, Mrs. ROUKEMA, Mr. LEACH of Iowa, Mr. DWYER of New Jersey, and Mr. MATSUI.

H.R. 3505: Mr. DYSON.

H.R. 3508: Mr. HORTON.

H.R. 4029: Mr. COURTER and Mr. EDWARDS of California.

H.R. 4033: Mr. SCHEUER.

H.R. 4075: Mr. FLIPPO, Mr. CAMPBELL, and Mr. HANSEN.

H.R. 4077: Mr. GILMAN and Mr. HANSEN.

H.R. 4140: Mr. BLILEY.

H.R. 4301: Mr. STARK, Mr. MCCLOSKEY, and Mrs. SCHROEDER.

H.R. 4333: Mr. GILMAN and Mr. DAVIS.

H.R. 4344: Mr. COATS, Mr. JACOBS, Mr. DAUB, Mr. BROOMFIELD, and Mr. ROWLAND of Connecticut.

H.R. 4391: Mr. BOULTER and Mr. FISH.

H.R. 4393: Mr. BADHAM, Mr. BLILEY, Mr. BOUCHER, Mr. MARTINEZ, Mr. MURPHY, Mr. OBERSTAR, Mr. STOKES, Mr. STRATTON, Mr. SUNIA, and Mr. SWINDALL.

H.R. 4565: Mr. TRAFICANT and Mr. KOSTMAYER.

H.R. 4655: Mr. WISE.

H.R. 4682: Mr. MCKINNEY.

H.R. 4696: Mrs. MARTIN of Illinois.

H.R. 4731: Mr. WEBER, Mr. ROSE, and Mr. HERTEL of Michigan.

H.R. 4763: Mr. MACK, Ms. SNOWE, Mr. ECKERT of New York, and Mr. DORNAN of California.

H.R. 4766: Mr. SWINDALL, Mr. SCHUETTE, and Mrs. VUCANOVICH.

H.R. 4783: Mr. LEVIN of Michigan, Mr. FROST, and Mr. LUKEN.

H.R. 4812: Mr. GUNDERSON and Mr. RICHARDSON.

H.R. 4866: Mr. MYERS of Indiana and Mr. GILMAN.

H.R. 4876: Ms. SNOWE, Mr. TRAFICANT, Ms. OAKAR, Mr. ST GERMAIN, Mr. MACKAY, Mr. OBERSTAR, and Mr. APPLEGATE.

H.R. 4877: Mr. LEVIN of Michigan, Mr. WISE, and Mr. MARTINEZ.

H.R. 4908: Mr. DELLUMS, Mr. MICA, Mr. PORTER, Mr. SILJANDER, Mr. FISH, Mr. EVANS of Illinois, Mr. STOKES, Mr. DASCHLE, Mr. MATSUI, and Mr. HAYES.

H.R. 4999: Mr. MORRISON of Washington and Mr. SEIBERLING.

H.R. 5000: Mr. SHUMWAY, Mr. MOLLOHAN, Mr. WHITTAKER, Mr. NEAL, and Mr. BEDELL.

H.R. 5035: Mr. BARNES, Mr. OWENS, Mr. DYSON, Mr. BRYANT, Mr. NIELSON of Utah, Mr. MRAZEK, Mr. LEVIN of Michigan, Mr. FISH, and Mr. CROCKETT.

H.R. 5050: Mr. ALEXANDER, Mr. MILLER of Washington, Mr. MOLLOHAN, Mr. TORRICELLI, Mr. LEVIN of Michigan, Mr. MCDADE, Mr. FASCELL, Mr. SCHUETTE, and Mr. MINETA.

H.R. 5064: Mr. SILJANDER.

H.R. 5065: Mr. SILJANDER.

H.R. 5066: Mr. FORD of Michigan and Mr. HENDON.

H.R. 5080: Mr. TOWNS, Mr. MORRISON of Connecticut, Mr. GRAY of Illinois, Mr. MRAZEK, Ms. KAPTUR, Mr. OWENS, Mr. MITCHELL, and Mr. LUNDINE.

H.R. 5097: Mr. LEVIN of Michigan.

H.R. 5103: Mr. MICA, Mr. DANIEL, Mr. HAYES, Mr. MOAKLEY, Mr. OXLEY, Mr. LENT, Mr. WORTLEY, Mr. DWYER of New Jersey, Mr. ROE, Mr. STARK, Mr. GRAY of Illinois, Mr. YOUNG of Alaska, Mr. GARCIA, Mr. LAGOMARSINO, Mr. LUNDINE, Mr. LELAND, and Mr. BEDELL.

H.R. 5140: Mr. COYNE, Mr. DIXON, Mr. EDWARDS of California, Mr. HOWARD, Mr. LUKEN, Mr. OWENS, Mr. TRAFICANT, and Mr. TRAXLER.

H.R. 5144: Mr. HANSEN.

H.R. 5154: Mr. COELHO, Mr. MARKEY, and Mr. FRANK.

H.J. Res. 49: Mr. HENDON, Mr. DANIEL, Mr. PETRI, Mr. BURTON of Indiana, Mr. LIGHTFOOT, Mr. STRANG, Mr. CHANDLER, Mr. SKEEN, Mr. BARTLETT, Mr. MACK, Mr. CHAPPIE, Mr. DUNCAN, Mr. BARTON of Texas, Mr. BLAZ, Mr. GREGG, Mr. HYDE, Mr. DEWINE, Mr. FISH, Mr. LUJAN, and Mr. WYLIE.

H.J. Res. 133: Mrs. BOXER and Mr. TORRES.

H.J. Res. 231: Mr. HOWARD.

H.J. Res. 410: Mr. BROWN of California, Mr. ROSE, Mr. OLIN, Mr. ARCHER, Mr. CARR, Mr. HENRY, Mr. KOSTMAYER, Mr. KANJORSKI, Mr. MONTGOMERY, Mr. FORD of Michigan, Mrs. LLOYD, Mr. SUNDQUIST, Mr. GRAY of Illinois, Mr. WISE, Mr. DONNELLY, Mr. FAUNTROY, Mr. PURSELL, Mr. LIPINSKI, Mr. LELAND, Mr. CONTE, Mr. ROWLAND of Connecticut, Mr. MORRISON of Connecticut, Mr. RICHARDSON, Mr. DORGAN of North Dakota, Mr. FOWLER, Mr. MILLER of Washington, Mr. OWENS, Mr. FASCELL, Mr. GARCIA, Mr. LOWRY of Washington, Mr. MRAZEK, Mr. CHANDLER, Mr. NATCHER, Mr. WORTLEY, Mr. STRATTON, Mr. SILJANDER, Mr. CONYERS, Ms. OAKAR, and Mr. RALPH M. HALL.

H.J. Res. 417: Mr. SWIFT.

H.J. Res. 512: Mr. HUTTO, Mr. ROE, Mr. BORSKI, Mr. OWENS, Mr. TRAFICANT, Mr. ORTIZ, Mr. CARNEY, Mr. APPLEGATE, Mrs. BENTLEY, Mr. VALENTINE, Mrs. BURTON of California, Mr. MURTHA, Mr. COURTER, Mr. DAUB, Mr. GALLO, Mrs. VUCANOVICH, Mr. HUNTER, Mr. DIOGUARDI, Mr. LOWERY of California, Mr. MOAKLEY, Mr. HAYES, Mr. DYMALLY, Mr. COELHO, Mr. DIXON, Mr. KANJORSKI, and Mr. PARRIS.

H.J. Res. 529: Mr. FIELDS, Mr. DASCHLE, and Mr. BEVILL.

H.J. Res. 531: Mr. MCKINNEY, Mr. PASHAYAN, Mr. ROWLAND of Connecticut, Mr. BOUCHER, Mrs. BURTON of California, Mr. CARR, Mr. CLINGER, Mr. DASCHLE, Mr. CARNEY, Mr. ERDREICH, Mr. FOLEY, Mr. FUSTER, Mr. GALLO, Mr. GRAY of Illinois, Mr. HANSEN, Mr. HEFNER, Mr. HENRY, Mr. HUNTER, Mr. HUTTO, Mr. JACOBS, Mr. JONES of North Carolina, Mr. KEMP, Mr. LEACH of Iowa, Mr. LEHMAN of California, Mr. LENT, Mr. LOWRY of Washington, Mr. MCCLOSKEY, Mr. MACKAY, Mr. GEJDENSON, Mr. MATSUI, Mr. MOORHEAD, Mr. ORTIZ, Mr. PRICE, Mr. MINETA, Mr. PERKINS, Mr. MCCAIN, Mr. MORRISON of Washington, Mr. ST GERMAIN, Mr. GREEN, Mr. FROST, and Mr. FISH.

H.J. Res. 547: Mr. BARNES, Mr. PEPPER, Mr. BROOMFIELD, Mr. HAMMERSCHMIDT, Mr. CRANE, Mr. ANDERSON, Mr. DYSON, Mr. FRENZEL, Mr. GEPHARDT, Mr. MCCAIN, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. WYLIE, Mr. PACKARD, Mr. BUSTAMANTE, Mr. COOPER, Mr. DICKINSON, Mr. HYDE, Mr. MADIGAN, Mr. PANETTA, Mr. PRICE, Mr. RANGEL, Mr. RITTER, Mr. LEHMAN of California, Mr. MCGRATH, Mr. SYNAR, Mr. OLIN, Mr. GREGG, Mr. COATS, and Mr. SOLARZ.

H.J. Res. 552: Mr. UDALL, Mr. MCGRATH, Mr. FAUNTROY, Mr. KOSTMAYER, Mr. CONTE, Mr. DASCHLE, Mr. LUKEN, Mr. OBEY, Mr. RODINO, Mr. SCHUMER, Mr. MOODY, Mr.

LEHMAN of Florida, Mr. MINETA, Mr. TALLON, Mr. ORTIZ, Mrs. BENTLEY, Mr. WISE, and Mr. FISH.

H.J. Res. 583: Mr. RANGEL, Mr. HOYER, Mr. GRAY of Illinois, Mr. NATCHER, Mr. LOWRY of Washington, Mr. COOPER, Mr. STANGELAND, Mr. HORTON, Mr. DE LA GARZA, Mr. COLEMAN of Texas, Mr. BIAGGI, Mr. DAUB, Ms. OAKAR, Mr. DORNAN of California, Mr. FLIPPO, Mr. MRAZEK, Mr. WEAVER, Mr. DASCHLE, Mr. TRAFICANT, Mr. ROBERTS, Mr. DARDEN, Mr. BUSTAMANTE, Mr. BEVILL, Mr. MACKAY, Mr. COURTER, Mr. SHELBY, and Mr. CHANDLER.

H.J. Res. 591: Mr. CHAPPIE, Mr. LIVINGSTON, and Mr. ROTH.

H.J. Res. 619: Mr. BLILEY, Mr. BARTON of Texas, Mr. SAXTON, Ms. MIKULSKI, Mr. MCCLOSKEY, Mr. ORTIZ, Mrs. BENTLEY, Mr. HALL of Ohio, Mr. LEVIN of Michigan, Mr. JONES of Tennessee, Mr. MARTINEZ, Mr. FEIGHAN, and Mr. WATKINS.

H.J. Res. 623: Mr. CARR, Mr. LUKEN, Mr. WEAVER, and Mr. KOSTMAYER.

H.J. Res. 630: Mr. DORNAN of California.

H.J. Res. 638: Mr. LATTA, Mr. FAUNTROY, Mr. CALLAHAN, Mr. DEWINE, Mr. KASTENMEIER, Mr. GONZALEZ, Mr. YOUNG of Alaska, Mr. BATES, Mr. TOWNS, Mr. WOLF, Mr. EDGAR, Mr. ERDREICH, Mr. COELHO, Mr. DORNAN of California, and Mr. HUTTO.

H.J. Res. 642: Mr. WEBER, Mr. MRAZEK, and Mr. KRAMER.

H.J. Res. 646: Mr. LEVINE of California, Mr. NICHOLS, Mr. RINALDO, Mr. SWINDALL, Mr. SCHUMER, Mr. FEIGHAN, Mr. HOYER, Mr. MCDADE, Mr. CARPER, Mr. ROE, Mr. HEFNER, Mr. BLILEY, Mr. GRAY of Illinois, Mr. MORRISON of Connecticut, Mr. MACKAY, Mr. BOUCHER, Mr. PERKINS, Mr. MOODY, Mrs. BURTON of California, Mr. SISISKY, Mr. DYMALLY, Mr. RICHARDSON, Mr. LUJAN, Mr. BARNES, Mr. EMERSON, Mr. CHAPPIE, Mr. MCGRATH, Mr. DANIEL, Mr. GREEN, Mr. CAMPBELL, Mr. MURPHY, Mr. MARTIN of New York, Mr. BUSTAMANTE, Mr. CONTE, Mr. HENRY, Mr. TORRICELLI, Mr. FAUNTROY, Mr. DAUB, Mr. SKELTON, Mr. YOUNG of Missouri, Mr. HORTON, Mr. HAWKINS, Mr. HUTTO, Mr. MONSON, Mr. BROWN of California, Mr. ANNUNZIO, Mr. VALENTINE, Mr. REID, Mrs. BYRON, Mr. LAGOMARSINO, Mr. WISE, Mr. FAZIO, Ms. OAKAR, Mrs. BENTLEY, Mr. FLIPPO, Mr. BROOKS, Ms. MIKULSKI, Mr. SMITH of Florida, and Mr. WORTLEY.

H.J. Res. 656: Mr. SHELBY, Mr. NELSON of Florida, Mr. BRYANT, Mr. DYSON, and Mr. DANIEL.

H.J. Res. 657: Mr. SAVAGE, Mr. KASICH, Mrs. BOXER, Mr. REID, Mr. FAZIO, Mr. LIPINSKI, Mr. MANTON, Mr. ANNUNZIO, Mr. GRAY of Pennsylvania, Mr. MRAZEK, Mr. SMITH of Florida, Mr. FRANK, Mr. DWYER of New Jersey, Mr. ECKERT of New York, Mr. LEVIN of Michigan, Mr. LANTOS, Ms. OAKAR, Mr. COELHO, Mr. ACKERMAN, and Mr. SUNDQUIST.

H. Con. Res. 15: Mr. RINALDO.

H. Con. Res. 244: Mr. FISH.

H. Con. Res. 330: Ms. MIKULSKI.

H. Con. Res. 332: Mr. MARKEY, Mr. GALLO, Mr. SILJANDER, Mr. DEWINE, Mr. BATEMAN, Mr. FAUNTROY, Mr. DASCHLE, Mr. HALL of Ohio, Mr. KEMP, Mr. TOWNS, Mr. BURTON of Indiana, Mr. STRATTON, Mr. MILLER of Washington, Mr. MYERS of Indiana, Mr. MINETA, Mr. DYMALLY, Ms. KAPTUR, Mr. EDWARDS of California, Mr. GILMAN, and Mr. LEACH of Iowa.

H. Con. Res. 338: Mr. PORTER, Mr. FISH, Mr. FAUNTROY, Mr. MACKAY, and Mr. WAXMAN.

H. Con. Res. 344: Mr. BEDELL, Mr. REGULA, Mr. DE LUGO, Mr. BARNES, Mr. MARTINEZ, Mr. TRAFICANT, Mr. RICHARDSON, Mr. RAHALL, and Mr. FISH.

H. Res. 116: Mr. SMITH of Florida, Mr. GILMAN, Mr. DELLUMS, Mr. CONYERS, Mr. HOPKINS, Mrs. HOLT, Mr. BOUCHER, Mr. YATRON, Mr. EDWARDS of California, Mr. SPRATT, Mr. GRAY of Illinois, Mr. DURBIN, Mr. FISH, and Mr. COLEMAN of Texas.

H. Res. 373: Mr. DINGELL, Mr. MILLER of California, Mr. SUNIA, Mr. WILLIAMS, and Mr. FASCELL.

H. Res. 393: Mr. DORNAN of California, Mr. DANIEL, Mr. STRATTON, Mr. LAGOMARSINO, Mr. HYDE, Mr. CHAPPELL, Mr. KEMP, Mr. BURTON of Indiana, Mr. MONSON, Mr. SWINDALL, Mr. BOULTER, Mr. RITTER, Mr. CRANE, Mr. HUNTER, Mr. SOLOMON, Mr. PORTER, Mr. ROTH, Mr. BLAZ, Mr. DELAY, Mr. SKEEN, Mr. FIELDS, Mr. CRAIG, Mr. O'BRIEN, Mr. SNYDER, Mr. HARTNETT, Mr. CALLAHAN, Mr. COURTER, Mr. ARMEY, Mr. RUDD, Mr. KASICH, Mr. CARNEY, Mr. LIVINGSTON, Mr. BLILEY, Mr. MCCOLLUM, Mr. KINDNESS, Mrs. HOLT, Mr. DREIER of California, Mr. DICKINSON, Mr. DANNEMEYER, Mr. SMITH of New Hampshire, Mr. WORTLEY, Mr. BILIRAKIS, Mr. SCHAEFER, Mr. STANGELAND, Mr. BARTLETT, Mr. BATEMAN, and Mr. MOORHEAD.

H. Res. 412: Mr. CHENEY.

H. Res. 430: Mr. DE LUGO, Mr. BEDELL, Mr. DELLUMS, Mr. STARK, Mr. BEILENSON, Mr. HORTON, Mr. BEVILL, Mr. MILLER of Washington, Mr. GARCIA, Mr. MORRISON of Connecticut, Mr. FROST, Mr. BEREUTER, Mr. PENNY, Mr. EDWARDS of California, Mr. LAGOMARSINO, Mr. HEFTEL of Hawaii, Mr. REID, Mr. MAVROULES, Mrs. SCHNEIDER, Mr. MRAZEK, Mr. COELHO, Mr. EVANS of Illinois, Mr. LANTOS, Mr. OWENS, Mr. ACKERMAN, Mr. MITCHELL, Mr. VALENTINE, Mr. TORRICELLI, Mr. FAUNTROY, Mr. HOWARD, Mr. CONTE, Mr. FISH, Mr. CROCKETT, and Mr. LEHMAN of Florida.

H. Res. 451: Mr. BARNARD, Mr. MCDADE, Mr. RAHALL, and Mr. WILLIAMS.

H. Res. 469: Mr. MATSUI, Mrs. SCHNEIDER, Mr. ST GERMAIN, Mr. STUDDS, Mr. MOAKLEY, Mr. PASHAYAN, and Mr. LEVINE of California.

H. Res. 476: Mrs. COLLINS, Mr. LIGHTFOOT, Mr. CAMPBELL, Mr. THOMAS of Georgia, Mr. ARMEY, Mr. BRYANT, Mr. COLEMAN of Texas, Mr. SHAW, and Mr. FROST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 585: Mr. SAXTON.
H.R. 2902: Mr. KLECZKA.
H.R. 4003: Mr. LOWERY of California.
H.R. 5140: Mr. FRANK.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

424. By the SPEAKER: Petition of the board of supervisors of the county of Shasta, CA, relative to disaster declaration policy; to the Committee on Public Works and Transportation.

425. Also, petition of the tribal chairperson, Susanville Indian Rancheria, Susanville, CA, relative to Federal income tax on tribal fishermen; to the Committee on Ways and Means.

426. Also, petition of the Boston City Council, Boston, MA, relative to tax reform; to the Committee on Ways and Means.

427. Also, petition of the Conference of Western Attorneys General, San Francisco, CA, relative to nuclear waste siting policy; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5162

By Mr. WEAVER:

—Insert where appropriate in the bill:

No funds appropriated by this act shall be used for resuming or maintaining core criticality at the N-Reactor at the Hanford Reservation until 120 days after (1) the Secretary of Energy has received the final studies on N-Reactor safety he requested in May 1986 from the National Academy of Sciences and the National Academy of Engineering and (2) Congress has received the final report on N-Reactor safety requested in April 1986 from the General Accounting Office.

—Insert where appropriate in the bill:

No funds appropriated by this act shall be used for resuming or maintaining core criticality at the N-Reactor at the Hanford Reservation until 120 days after the Secretary of Energy has received the final studies on N-Reactor safety he requested in May 1986 from the National Academy of Sciences and the National Academy of Engineering.

—Insert where appropriate in the bill:

No funds appropriated by this act shall be used for resuming or maintaining core criticality at the N-Reactor at the Hanford Reservation until 120 days after Congress has has received the final report on N-Reactor safety requested in April 1986 from the General Accounting Office.

—Insert where appropriate in the bill:

No funds appropriated by this act shall be used for resuming or maintaining core criticality at the N-Reactor at the Hanford Reservation prior to March 1, 1987.

—Insert where appropriate in the bill:

No funds appropriated by this act shall be used for resuming or maintaining core criticality at the N-Reactor at the Hanford Reservation.

—For Atomic Energy Defense Activities, strike the appropriation of $7,693,900,000 and replace it with $7,643,900,000.

—For Atomic Energy Defense Activities, strike the appropriation of $7,693,900,000 and replace it with $7,673,900,000.

—Insert where appropriate in the bill:

No funds appropriated by this act shall be used for site characterization of the three sites recommended under section 113 of the Nuclear Waste Policy Act of 1982 (Public Law 97-425; 42 U.S.C. 10133) as candidates for the first repository for commercial high-level radioactive waste, until the Secretary of Energy pursuant to section 112(b)(1)(C) of the Act (42 U.S.C. 10132(b)(1)(C)) has nominated five candidate sites for the second repository.

—Insert where appropriate in the bill:

Of the funds made available for nuclear waste disposal activities pursuant to Public Law 97-425, $45,700,000 shall be available for second repository siting activities.

EXTENSIONS OF REMARKS

CONRAIL: SUPPORT FOR A PUBLIC OFFERING

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. DINGELL. Mr. Speaker, the return of Conrail to the private sector, the aim of Congress in enacting the Northeast Rail Service Act of 1981, was adopted early in the Reagan administration as one of its major policy goals. After considerable study and several false starts, it is now the clear consensus of those most intimately involved that the best and most efficient way to "privatize" Conrail is through a public offering.

Not only will such an offering utilize the genius of the American free market to assure maximum return to the American taxpayer, it will also assure strong and healthy competition between the rail facilities so vital to the Nation's shippers.

The investment banking community is now united in the belief that Conrail is a viable railroad with healthy long-term prospects, and that a genuine public stock offering can raise between $1.8 and $2.2 billion if we act quickly. The concept of a public offering has already won broad bipartisan support and I remain hopeful that the administration will join with us in working for the enactment of public offering legislation before the 99th Congress adjourns.

Recently, several Midwestern state departments of transportation have written to me to express their support for the sale of Conrail through a public offering. I ask unanimous consent to include in the RECORD the text of these letters, which come from Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Thank you, Mr. Speaker.

IOWA DEPARTMENT OF TRANSPORTATION,
Ames, IA., June 20, 1986.

Hon. JOHN D. DINGELL,
U.S. Representative, Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN DINGELL: I am joining with many of my fellow state transportation officials who firmly believe that the ownership of Conrail should be returned to the private sector. We share your concerns that the proposal to sell Conrail to Norfolk Southern fails to meet several important criteria that include preserving competition and securing a fair price for the government-owned stock. A sale of Conrail to Norfolk Southern would create a mega railroad that would dominate the competitive environment not only in the east but throughout the midwest. The damage resulting from this mega merger to the midwest railroads and economy of our states is unacceptable.

The Iowa DOT position is to sell Conrail to the private sector as an independent, viable railroad, and oppose the sale of Conrail to Norfolk Southern. We believe that a public offering is consistent with our criteria for the sale of Conrail. A public offering would afford all interested parties an opportunity to invest in Conrail and allow the free market to determine the stock's true value.

We hope Congress is able to complete all actions needed to permit the sale of Conrail this year, and we pledge our support and cooperation to meet this goal.

This issue is extremely important to Iowa and we are sending similar letters to every member of the Committee on Energy and Commerce and to our entire congressional delegation.

Sincerely,

WARREN B. DUNHAM,
Director.

MINNESOTA DEPARTMENT
OF TRANSPORTATION,
St. Paul, MN, June 18, 1986.

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE DINGELL: I am joining with many of my fellow state transportation officials who firmly believe that the ownership of Conrail should be returned to the private sector. We share your concerns that the proposal to sell Conrail to Norfolk Southern fails to meet several important criteria that include preserving competition and securing a fair price for the government-owned stock. A sale of Conrail to Norfolk Southern would create a mega railroad that would dominate the competitive environment not only in the east but throughout the midwest. The damage resulting from this mega merger to the midwest railroads and economy of our states is unacceptable.

We believe that best way to return Conrail to the private sector is for Congress to require the U.S. Department of Transportation, through an independent finanicial advisor, to offer its stock to the public. A public offering would afford all interested parties an opportunity to invest in Conrail and allow the free market to determine the stock's true value.

We hope Congress is able to complete all actions needed to permit the public offering process to begin this year, and we pledge our support and cooperation to meet this goal.

For your information a similar letter is being sent to each member on the House Energy and Commerce Committee.

Sincerely,

RICHARD P. BRAUN,
Commissioner.

STATE OF NEBRASKA,
July 2, 1986.

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE DINGELL: I am joining with many of my fellow state transportation officials who firmly believe that the ownership of Conrail should be returned to the private sector. We share your concerns that the proposal to sell Conrail to Norfolk Southern fails to meet several important criteria that include: preserving competition and securing a fair price for the government-owned stock. A sale of Conrail to Norfolk Southern would create a mega railroad that would dominate the competitive environment not only in the East but throughout the Midwest. The damage resulting from this merger to the midwest railroads and the economy of our states is unacceptable.

We believe the best way to return Conrail to the private sector is for Congress to require the U.S. Department of Transportation, through an independent financial advisor, to offer its Conrail stock to the public. A public offering would afford all interested parties an opportunity to invest in Conrail and allow the free market to determine the stock's true value.

We hope Congress is able to complete all actions needed to permit the public offering process to begin this year, and we pledge our support and cooperation to meet this goal.

For your information a similar letter is being sent to each member on the House Energy and Commerce Committee.

Sincerely,

R.H. HOGREFE,
Director-State Engineer.

NORTH DAKOTA STATE
HIGHWAY DEPARTMENT,
Bismarck, ND, June 30, 1986.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. DINGELL: I am joining with transportation officials in many other Midwestern states in the belief that ownership of Conrail should be returned to the private sector in a manner which best preserves the competitive position of our Midwestern rail carriers and at the same time insures a fair price for government owned stock.

We believe the best way to accomplish these goals is for congress to require a public offering of Conrail stock. We are concerned that a sale to Norfolk Southern would have a severe negative impact on the competitive position of our rail carriers.

We are opposed to continued subsidies to Conrail and encourage a fair, reasonable, and expeditious resolution to this matter.

Sincerely,

WALTER R. HJELLE,
Highway Commissioner.

STATE OF SOUTH DAKOTA,
June 20, 1986.

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC

DEAR REPRESENTATIVE DINGELL: The State of South Dakota joins with other midwestern states in the firm belief that the owner-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ship of Conrail should be returned to the private sector and that Conrail should operate without any future financial support from the federal government. However, we share your concern that the proposal to sell Conrail to Norfolk Southern fails to meet several important criteria that include preserving competition and securing a fair price for the government-owned stock.

We believe the best way to return Conrail to the private sector is for Congress to require the U.S. Department of Transportation, through an independent financial advisor, to offer its stock to the public. A public offering would afford all interested parties an opportunity to invest in Conrail and allow the free market to determine the stock's true value.

We hope Congress is able to complete all actions needed to permit the public offering process to begin this year, and we pledge our support and cooperation to meet this goal.

Sincerely,

JAMES R. MYERS,
Chief of Operations.

WISCONSIN DEPARTMENT
OF TRANSPORTATION,
Madison, WI, June 25, 1986.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Room 2125 Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE DINGELL: The Wisconsin Department of Transportation suports your opposition to the U.S. Department of Transportation's plan to sell Conrail to the Norfolk Southern Corporation. In past written testimony before Rep. Florio's subcommittee (dated September 10, 1985) I have presented Wisconsin's view that sale of Conrail to Norfolk Southern would do harm to the railroads that serve the Midwest. We share your concerns that the proposal to sell Conrail to Norfolk Southern overlooks the strong evidence of Conrail's financial viability and fails to meet several important criteria, including the preservation of competition and obtaining a fair price for the government owned share of Conrail. A merger between Conrail and Norfolk Southern would create a dominant railroad in the East which would damage Midwest railroads and, as a consequence, do harm to the economies of the Midwest states.

We totally support returning Conrail to the private sector. However, we believe the best way to do that is for Congress to require the U.S. Department of Transportation, through an independent financial advisor, to offer Conrail stock to the public. A public offering would afford all interested parties an opportunity to invest in Conrail and allow the market to determine the stock's true value.

We hope Congress is able to complete all actions needed to permit the public offering process to begin this year, and we pledge our support and cooperation to help you meet this goal.

Sincerely,

LOWELL B. JACKSON, P.E.,
Secretary.

LET US NOT FORGET THE POW-MIA'S

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. ST GERMAIN. Mr. Speaker, with the unveiling of the rejuvenated Statue of Liberty this Fourth of July, we saw a special tribute to the American spirit of freedom. However, in remembering Lady Liberty's 100th birthday, we also must not forget the POW-MIA's that were not here to celebrate with us. These brave men served in the Vietnam war to uphold our Nation's cherished ideals the statue so proudly represents: democracy and liberty.

I am pleased that we have made progress in our negotiations with Vietnam to recover or account for these POW-MIA's. We need to continue our efforts to reach the fullest possible accounting for these individuals. The POW-MIA's from Rhode Island alone are as follows:

Lt. Col. Charles Edward Cappelli (Providence), USAF, was the pilot of a F-105-D jet shot down over North Vietnam on November 17, 1967. His exact location of loss is not know. Other pilots in the flight saw him eject and reported that he had "a good chute" after bailing out. He was alone in the aircraft. He was born on March 14, 1930, and was married.

Comdr. Laurent Norbert Dion (Providence), USN, was the pilot of a RA-5-C reconnaissance jet shot down off the coast of North Vietnam over water on August 17, 1967. The exact location of his loss is not know. He was listed as killed in action—body not recovered. He was born January 25, 1929, and was married. Lt. (jg.) Charles David Hom was the "backseater" in the aircraft.

Col. Curtis Abbott Eaton (Wakefield), USAF, was the pilot of a F-105 jet shot down over North Vietnam on August 14, 1966. His exact loss coordinates are not known. On "September 6, 1976, Vietnam reported he had been killed with no further information." Eaton was alone in the aircraft. He was born July 21, 1924, and was married.

Maj. Kenneth B. Goff, Jr. (Warwick), USA, was a passenger on board a HU-1-H (Huey) helicopter which went down in South Vietnam from "nonhostile" causes on August 24, 1967. The exact location of the downed chopper is known. He was born March 9, 1943, and was single. The other men who are unaccounted for from this incident are Maj. Richard J. Schell, Sgt. Ronald Lee Holzman, and SFC Richard M. Allard.

Maj. George Henry Jourdenais (Central Falls), USAF, was the pilot of a F-4-C jet shot down in South Vietnam on April 1, 1967. His exact loss location is known. He was born April 13, 1943, and was married. The "backseater" was Capt. Robert W. Stanley.

Lt. Col. Fredric Moore Mellor (Cranston), USAF, was the pilot of a RF-101-C reconnaissance jet which was shot down over North Vietnam on August 13, 1965. His exact loss location is known. Other pilots in the flight were able to establish voice contact with him after he bailed out. He was "on the ground and uninjured." He was alone in the aircraft. He was born April 5, 1935, and was married.

Lt. Orland James Pender, Jr. (Warwick), USN, was the "backseater" in a F-4-J jet shot down over North Vietnam on August 17, 1972. The exact location of the loss is not known. He was born August 23, 1944, and was married. The aircraft pilot was Comdr. John Russell Pitzen.

S. Sgt. James Michael Ray (Woonsocket), USA, was captured during a ground battle on March 18, 1968, in South Vietnam. He was later moved to a prison camp in Cambodia. He is reported to have died in captivity, even though our Government has no proof of it. The exact location of capture is known. He was born November 10, 1949, and was single. He was captured with Capt. John Galbreath Dunn who was released February 12, 1973, by the People's Revolutionary Government [PRG].

Lt. (j.g.) Edward Brendan Shaw (Cranston), USN, was shot down off the coast of North Vietnam over water while flying an A-1-H jet on September 5, 1965. Other aircraft marked his exact location of loss and reported that his plane "exploded, crashed into the sea, and no parabeeper was heard." He was alone in the aircraft. He was born April 4, 1939, and was single.

Sfc. Lewis Clark Walton (Cranston), USA, was in a ground battle on May 10, 1971, in South Vietnam. His exact loss location is known. He was born May 13, 1934, and was married. The other men who are unaccounted for from the same incident are Sfc. Klaus Bingham and Sfc. James M. Luttrell.

LOWER INTEREST RATES NOW

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. COURTER. Mr. Speaker, Hobart Rowen in the Washington Post has explained the need for the Federal Reserve's Open Market Committee to lower interest rates immediately.

Last week the FOMC did drop the discount rate 0.5 percent. Nevertheless, there is room for further reduction—and this will be the case as long as the agricultural economy continues to deteriorate and commodity price indexes point to a deflationary environment.

I am gratified that the FOMC did not insist on "coordinating" its modest rate reduction with the central banks of West Germany, Japan, or anyone else. U.S. economic prosperity should not be held hostage to the decisions of other economies, particularly those which are exhibiting weaknesses that could simply be overcome by more rational, incentive oriented tax and monetary policies.

The article follows:

LOWER INTEREST RATES NOW

(By Hobart Rowen)

If there had been any doubt that the economy is on the edge of a slump, it has been resolved by a batch of new statistics: Industrial output and retail sales have plunged, while manufacturers have an-

nounced that they are cutting back their plans for expanding factory capacity.

Commodity prices have been sinking, accelerating the disinflation trend that has been under way for some time. Economic growth around the globe is below par. In the United States, where the Reagan administration has been touting the expectation of a real growth rate of 4 percent in 1986, the first-quarter result turns out to be 2.9 percent instead of an earlier announced 3.7 percent. Clearly, despite the fall in the foreign exchange value of the dollar, American companies still feel strong competition from abroad. Economists inside and outside the government see little in view to alter the lackluster outlook.

A senior Reagan administration official, speaking on background to avoid charges of "Fed-bashing," says, "The global economy now looks sick." He called for a new round of coordinated interest rate reductions, led by West Germany and Japan.

At the Federal Reserve, officials are less inclined to be swayed by the ups and downs of growth estimates for the gross national product, and more inclined to look at long-term price trends. A continuation of the decline in commodities would spell serious trouble for Third World nations, many of which are already deeply in debt. It is easy to see the emergence of a new global recession, and that's why Federal Reserve Board member Wayne Angell says "at some point in time" global interest rates will have to fall further.

But as is so often the case, the emerging debate will be over timing. If a reduction in interest rates is needed, why not now? The Reagan administration is out front (although not officially) in demanding action by the Fed to help global growth, joining forces with the New York financial markets, which would like to see interest rates drop, thus extending the long boom in stock prices.

The Reagan administration is applying pressure on the Fed with more subtlety than in the past. The unidentified official's call for a "coordinated" move is carefully linked with an acknowledgement that the successful fight against inflation engineered along with the Fed over the past four years cannot be endangered. The administration is interested in preserving a detente with Chairman Paul A. Volcker, not in fighting him.

That shifts the burden from the Fed itself to the Bank of Japan and to the West German Bundesbank. For the past six months, there has been an increasing drumfire of demand from American officials led by President Reagan, for new expansionary moves by the Japanese and West German governments. The heaviest barrage has been laid down against the Germans, who ducked out of the second of two recent coordinated rounds of interest-rate cuts despite zero inflation, high unemployment and growing trade and current-account surpluses. The Germans worry that inflation, rather than growth, may be unleashed in their country.

For some weeks now, Treasury Secretary James A. Baker III has been warning Japan and Germany that unless they join in a move to stimulate economic growth, he will renew his "jawboning" effort to depress the dollar—a step that not only would make German and Japanese exporters unhappy as the yen and mark rise in value, but also could topple the government of Helmut Kohl and apply the crusher to Yasuhiro Nakasone, who already is skating on thin ice.

So far, there is little indication that the Germans will change their minds. But central bankers look for stability in exchange rates, and they have been relatively happy in the last few weeks with signs that the American administration had backed off its public campaign to push the dollar still lower. Perhaps significantly, German central bank President Karl Otto Pöhl, in a Boston press conference earlier this month, called for a "pause" allowing for some stabilization and consolidation of exchange rates.

Pöhl may be seeing the handwriting on the wall: If American efforts for coordination of policy—so long demanded by Europeans—are rejected by the most powerful of the European governments, the United States, in its own self-interest, could take unilateral action to cut rates.

SEVENTY-FIFTH BIRTHDAY FOR CITY OF BURBANK, CA

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. MOORHEAD. Mr. Speaker, it gives me a great deal of pleasure to bring to the attention of my colleagues in the U.S. House of Representatives, the imminent 75th birthday celebration of the city of Burbank, CA.

In the beginning, of course, there was no "Beautiful Downtown Burbank." There was no national notoriety stemming from Johnny Carson and the "Tonight Show." There was no Warner Bros. No Disney Studios. No Lockheed. There was just a near-perfect climate, a beautiful valley—empty and inviting—anchored between the Verdugo and Santa Monica Mountains.

Burbank traces its roots to the southern California land boom of the late 1800's when thousands of Americans went west seeking adventure and opportunity. In 1871, Dr. David Burbank, a dentist, settled in the eastern end of the San Fernando Valley, buying the land that would become the city of Burbank.

The land became more and more valuable as more and more people moved west, aided to a great degree by the fare wars between competing railroads. In 1887, it was reported that fares between Kansas City and Los Angeles dropped to $1.

Taking advantage of Burbank's accessibility to rail lines, Dr. Burbank sold most of his property to the Providencia Land, Water & Development Co. for $25,000, realizing a profit of $16,000. The development group laid out a business district surrounded by small farms and large residential lots and called it Burbank.

By 1911, the community, which had grown to 500 persons, voted 81 to 51 for incorporation. In 1916, bonds were approved for building a city hall. In 1926, a 15-member board of freeholders drafted a city charter, which became effective on January 13. 1927.

Since incorporation, success has followed success for Burbank. It became an entertainment and movie center with the founding of Disney and Warner Bros. Studios. It made a major contribution to the Nation's victory during World War II as the 94,000 Lockheed employees produced more than 19,000 aircraft. Land values increased. Development continued until most of the city's land mass was in use.

Mr. Speaker, I am proud to represent the city of Burbank. It is a fine community full of productive, creative, and vigorous people. I am delighted to wish it and all its residents the very best on the special occasion of its 75th birthday.

THE IMPORTANCE OF THE AZORES TO UNITED STATES-PORTUGUESE RELATIONS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. COELHO. Mr. Speaker, Azorean President Joao Bosco Mota Amaral's recent visit to our country, along with Susan Garment's fine article in the Wall Street Journal, has presented us with a timely opportunity to examine and reassess our relationship with the Azores, a small group of islands which are a part of Portugal.

Being of Portuguese-Azorean descent, I feel especially close ties to these islands. Their importance to our Nation as a whole, however, cannot and should not be overlooked. United States-Azorean trade has existed since colonial times, and the strategic location of the Azores provides our military with a key refueling point on the way to Europe and the Middle East. The presence of a U.S. military base there since 1944 is evidence of this fact.

Furthermore, the hundreds of thousands of Azorean immigrants to this country have always displayed a passion for hard work and family values. There is no doubt in my mind that our Nation has benefited tremendously from the Azorean people.

Yet, it now appears that this Congress may cut United States aid to Portugal and, in the process, damage a friendly relationship which has existed for over 250 years.

I appeal to the Members of this Congress to maintain the current level of United States aid to Portugal. The past record of United States-Portuguese relations fully proves that we not only owe it to the Portuguese people, we owe it to ourselves.

U.S.-AZORES RELATIONSHIP SHOULD BE SPECIAL

(By Suzanne Garment)

Rep. Tony Coelho runs the House Democratic Congressional Campaign Committee with cheerful, thoroughgoing, liberal partisanship. Ambassador Frank Shakespeare, the present U.S. envoy to Portugal, is a longtime leader of the American conservative movement. The two men do not have much common policy ground. But not long ago they could be observed in shirt sleeves parading arm in arm through the streets of Ponta Delgada in the Azores islands. Each thinks the islands are more important to the U.S. than our policies have recognized, and each is right.

The nine small islands of the Azores, a part of Portugal, sit in the Atlantic 800 miles west of Lisbon. Because of their position they are militarily vital to us, linking the U.S. with Europe and the Mideast. The U.S. has had a base there since 1944, under a series of treaties with Portugal. Many

people remember the Azores chiefly from the days of the Yom Kippur War, when they were the only place that allowed our C-5As to stop and refuel during their life-and-death delivery of military supplies.

Even people who know these things about the Azores tend to think of them as a bunch of landing strips and fuel pumps surrounded by water. Joao Bosco Mota Amaral, a thin and fine-spoken Lisbon-trained lawyer, is regional president of the islands and a nationally known Portuguese politician. He is in Washington this week and says the Azores deserve a better image than that.

Americans have done business in the Azores since Colonial times. New England whalers called there often. In the early 19th century, Azoreans started migrating to the U.S. and forming ethnic communities. They went to New England to work in the maritime and textile industries, to California during the gold rush and to Hawaii to work on the sugar plantations.

The migration still goes on. The islands have a population of 250,000. Between 1950 and 1975, 150,000 Azoreans left the islands for America. "There is hardly an Azorean," Mr. Mota Amaral said in a conversation at the Portuguese Embassy, "who does not have a relative in the United States."

So, he explained, he comes to U.S. periodically, and not just for official business. On this swing, he said, he was calling on his New England congressional friends with Azorean constituents—Sens. Claiborne Pell, Edward Kennedy, John Kerry and John Chafee, and Rep. Barney Frank—and of course California Rep. Coelho, who is of Azorean descent. "I was welcomed in Somerville last Monday," he said, speaking of the blue-collar Massachusetts town.

He had a couple of ordinary-type Azorean complaints against the U.S. to talk about: The U.S. will not let the Azores export native cheese to this country to meet the demand of Azoreans here. U.S. immigration and visa procedures are inadequate to the high volume of U.S.-Azorean traffic, so that Azoreans may wait four or five years to join families in the U.S. or have trouble getting a visa to attend a grandson's christening.

But Mr. Mota Amaral had something bigger on his mind this time: trouble with the U.S. air base.

Along with our base agreement with Portugal, next renewable in 1990, we give Portugal military and economic aid. The share earmarked for the Azores is a tidy $40 million. The islands are poor and the money is important.

At the moment, there is every indication that the U.S. military wants to expand refueling facilities at the base and start using it more extensively for the pre-positioning of U.S. naval vessels. At the same moment, the Azoreans hear that because of U.S. budgetary constraints their aid may be cut. Mr. Mota Amaral thought this was serious stuff. "Once a U.S.-Portugal agreement has been signed," he said affably, "if the aid balance is jeopardized, the entire treaty is jeopardized."

If aid were cut, would Mr. Mota Amaral consider refusing the U.S. request to expand facilities? "If it were left to me to decide," he said, "I would say yes, we should consider it."

He tried to temper his words. "The U.S. is a second homeland for us," he said. "Portugal doesn't understand this. People in the Azores feel very close to the U.S. The Azores are the place in the world where the American military feels most welcome.

"But," he ended, "we think we deserve a more sympathetic approach."

Mr. Mota Amaral is not exactly a militant. When the Communists were in power in Portugal, he helped found the Social Democratic Party. The SDP's differences with Portugal's Socialist Party, he said, are "a question of ideology. The Socialists have had a very Marxist-oriented ideology. We are more pragmatic."

There are a lot of answers you can think of to a complaint like Mr. Mota Amaral's. If we gave in to every case of special pleading, we would end up broke. We are tired of being shaken down by Europeans for bases that protect them as well as us. The Azoreans in the U.S. will become one of those pernicious ethnic foreign-policy lobbies that try to pressure the U.S. into acting against its own best interests.

These answers all sound correct and all miss the main point. A lot of countries try to claim a special relationship with the U.S. But, though the Azores are small, what they give us really is irreplaceable. The spirit in which they give it is irreplaceable as well. There is a big temptation to let other claims and arguments eat away at this central fact. If U.S. policy makers give in to the temptation, they stand a good chance of loosening a true defense linchpin. This would be a failure of vast proportions.

DUMPING ON SOMEWHERE ELSE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. FRANK. Mr. Speaker, sometimes newspapers are better reading than other times. When a first-rate reporter turns a high intelligence, a very well developed social conscience, and a great sense of irony on a very important subject, the result is one of those better times.

Alan Lupo last week wrote an article in the Boston Globe about a very serious problem that affects government at all levels: the excessive deference which many elected officials give to objections by particular communities to the placement of facilities which are considered undesirable. Of course there are sometimes good reasons for particular neighborhoods or communities to object to the placement of particular facilities. Government has not always planned well or executed competently in the placement of various publicly necessary installations, and we have a history of imposing such facilities very often on communities of the poor and disorganized without adequate safeguard. On the other hand, there are also many instances of communities reacting excessively to facilities which are not in themselves damaging, or to communities abetted by politicians exaggerating the inconvenience or danger that may result from the siting of a particularly necessary facility. And the undeniable fact is that unless we are able to place energy-generating facilities, waste treatment plants, prisons, facilites for the treatment of people with various illnesses, and other entities which some people find objectionable, we will be unable to carry out rational public policy.

It is important that we elected officials as a class show a good deal more responsibility that we have in the past when the question of the placement of these sorts of facilities arises. It is our responsibility to prevent particular communities from being unfairly burdened, and to see that facilities which are placed in a community are done so in the most responsible fashion. And it may also be appropriate to see that a particular community is compensated for receiving a facility which may cause some problems. But the automatic vocal beligerence with which too many elected officials respond to any community complaint about any facility disserves us all.

Alan Lupo's article on "The Town of Somewhere Else" underlines the problem in a delightful way and I include it at this point in the RECORD:

INVENTING A PERFECT DUMPING GROUND, THE TOWN OF "SOMEWHERE ELSE"

(By Alan Lupo)

In Cohasset, a young man, convicted of breaking and entering and larceny, is banished from the town. He will live somewhere else—in prison.

In Jamaica Plain, two fraternities are denied boarding house licenses. They will relocate somewhere else.

In New Braintree, the citizens don't want a nice prison Governor Dukakis wishes to give them. They'd rather it go somewhere else.

I'm sure glad I do not live in "somewhere else," because just about every community has volunteered "somewhere else" for just about everything they do not want.

Of course, some communities get impacted—I cannot use in a family paper a stronger, more accurate verb—than do others. The Chelseas, Everetts, Southies, Winthrops, Allstons, Roxburys and Easties of the Commonwealth certainly carry more than their share of environmental and social burdens.

In fact, we in those communities are so burdened, that we too have been suggesting that sewage treatment plants, airports, prisons, halfway houses, junkyards, dumps, gas works and such be sent somewhere else.

This is, of course, the American way. We in the older neighborhoods are simply taking the lead from our wealthier brethren who live in two-acre heaven. It is a lesson steeped in American history and rooted in a slight rewrite of the Declaration of Independence.

"When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to put as much distance as possible between them and anybody else, and in so doing, to avoid any communal responsibility as is their selfish wont granted to them by their perceived status in life, then they should declare that all persons are created equal, except for those who, being less equal, must live somewhere else."

For a long time, the "somewhere else" theory worked for those with money and the ability to make choices, because the older communities were either too powerless or too apathetic to resist six-lane highways, toxic waste and other forms of society's refuse.

Today, the older communities still do not enjoy the clout of the tonier suburbs, but we are no longer apathetic. So, the state is running out of somewhere elses. The same highways that smashed up some older neighborhoods ironically enable the residents of surviving older neighborhoods to travel easily to the homes of those who would, er, uh, impact us, and picket their homes.

Given that the citizens in the older communities will lie down in front of trucks, and given that the citizens of weathier communities still have enough money and power to avoid flophouses and oil farms, where can we turn?

The answer, again, is in history. Great Britain and, to a much lesser degree, the United States have experimented with "new towns." The theory is that you build a whole new community from the ground up, meticulously planned to integrate races, classes, residential areas, business districts, open space and so on.

Massachusetts could create a whole new community, reserved for liquid natural gas tanks, sanitary landfills, toxic waste dumps, auto junkyards, prisons, halfway houses, shelters, fraternity houses, saloons, airports, sewage treatment plants, truck routes, whatever.

Call it Somewhere Else, MA. Give it a zip code. What a relief for all of us. No longer will the 351 cities and towns agonize over their social and regional responsibilities. Now, we could truly send what we don't want somewhere else.

Of course, we'd have to build Somewhere Else somewhere else. Maybe in the open spaces in and around Cohasset or New Braintree. Or, I understand, there's some property being freed up in Jamaica Plain.

MARKING JUDGE WOODLOCK'S CONFIRMATION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. CONTE. Mr. Speaker, I'm delighted to report that Douglas P. Woodlock was confirmed June 13 as U.S. district judge for the district of Massachusetts. I had the distinct privilege of testifying before the Senate Judiciary Committee on May 14 in support of Mr. Woodlock's nomination. To mark his confirmation, I am having my remarks in support of Mr. Woodlock's nomination printed in the CONGRESSIONAL RECORD. Those of us who know Judge Woodlock know that he will be an outstanding Federal judge, and wish him the best as he begins this career of public service. Congratulations, Doug.

REMARKS OF THE HONORABLE SILVIO O. CONTE BEFORE THE SENATE JUDICIARY COMMITTEE: PRESENTING DOUGLAS P. WOODLOCK, NOMINEE FOR U.S. DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS

Mr. Chairman, it is a privilege and honor, and for me a true pleasure, to present before this Committee the nominee for the federal bench for the District of Massachusetts—my good friend Douglas P. Woodlock.

Mr. Woodlock received his undergraduate degree from Yale University. He then moved on to Georgetown to begin his pursuit of legal studies, working his way through school as a reporter for the Chicago Sun Times and later as a legal clerk for the SEC. He received his J.D. in 1975, graduating in the top ten percent of his class and serving as Articles Editor on the Executive Board of the Georgetown Law Journal.

Following that impressive beginning, Mr. Woodlock embarked on his professional career with a three-year stint in the firm of Goodwin, Procter, and Hoar in Boston, where he specialized in trade and corporate practice and also represented the Boston School Committee in connection with desegregation matters. Mr. Woodlock's true mark in the legal field was made the next four years in his service as Assistant and Special Assistant U.S. Attorney in the office of my good friend, the widely respected U.S. Attorney for Boston, Bill Weld. As a member of the Special Investigations Unit, Mr. Woodlock prosecuted political corruption, white collar fraud, and large-scale narcotics distribution. As a testament to his achievements in that post, he received the 1982 "Director's Award" from the Director of the Executive Office of U.S. Attorneys in recognition of his fine work. He completed his outstanding service with the U.S. Attorney in April of 1983, serving as prosecutor of a major drug-smuggling case that was then the longest criminal trial before the U.S. District Court of Massachusetts.

For the past three years, Mr. Woodlock has returned to private practice with Goodwin, Procter, and Hoar. He is a member of the Massachusetts Bar, and is also qualified to practice before the U.S. District Court for Massachusetts, the First Circuit Court of Appeals, and the U.S. Supreme Court.

I think it's self-evident from this outstanding record that Mr. Woodlock possesses the qualifications necessary to serve the country capably on the federal bench, and I can vouch that his character is beyond reproach. Confirmation of his nomination would be a high compliment to the federal judiciary, and a privilege for those of us within the jurisdiction of the U.S. District Court for Massachusetts. His appointment would also be something of a "coming home," for Mr. Woodlock received his start in the profession as a Law Clerk to U.S. District Judge Frank Murray of Massachusetts in 1975. It is a coming home eleven years later that those of us who know this fine American welcome and endorse wholeheartedly. I urge the Committee to give the nomination of Douglas P. Woodlock your most favorable consideration. Thank you.

THE UNITED STATES AND THE WORLD COURT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a recent editional on the decision of the International Court of Justice in favor of the Nicaraguan Government in its case against the United States. The op-ed piece appeared in the New York Times, July 2, 1986, and was written by Dr. Richard N. Gardner of Columbia University, formerly United States Ambassador to Italy.

Dr. Gardner suggests that the United States could have blocked the Sandinistas' lawsuit long before it came before the World Court by refusing to accept the Court's jurisdiction in the case because of important national security interests involved. But having failed to do so, Dr. Gardner contends, we now stand condemned before the world of breaking international law and violating Nicaraguan sovereignty. He suggests that the Court's judgment "will influence public opinion and policy in other countries, undermining confidence in our foreign policy and tarnishing our reputation as a law-abiding nation."

I commend Dr. Gardner's remarks to the attention of my colleagues:

[From the New York Times, July 2, 1986]

A REAGAN FIASCO IN THE WORLD COURT

(By Richard N. Gardner)

Suppose you had a lawyer who failed to shield you from an impending lawsuit by neglecting to exercise in a timely manner your right to refuse the court's jurisdiction? And, having missed that opportunity, suppose your lawyer then failed to present the merits of your case to the court, thus helping to assure a judgment against you? That is essentially what our Government has done in the case we lost last week to Nicaragua in the International Court of Justice.

Nicaragua brought its case to the court in April 1984, nearly three years after we started organizing, training and financing a 10,000-man Contra army for operations inside Nicaragua. We could easily have blocked the Sandinistas' suit well before it came to the court by refusing to accept the court's jurisdiction in cases involving armed conflict—on the reasonable grounds that the security interests involved are too great, the factual issues too hard to resolve and the law on the subject insufficiently developed. But we failed to do so, and now we stand condemned before the world of breaking international law and violating Nicaraguan sovereignty.

To be sure, the International Court of Justice is not the same as a domestic court. Its decision that we should stop aiding the Contras and pay damages to Nicaragua cannot be enforced. Nevertheless, the court's judgment will influence public opinions and policy in other countries, undermining confidence in our foreign policy and tarnishing our reputation as a law-abiding nation.

Significantly, no member of the court was prepared to accept President Reagan's argument that we have a right to aid "freedom fighters" seeking to overthrow or force the liberalization of Communist regimes. But even the judges who voted against us acknowledged that our aid to the Contras might be justified if it were shown to be part of a "collective self-defense"—if it were proved that Nicaragua was aiding leftist guerrillas in El Salvador and if our response was necessary and proportional.

The United States' refusal to come to court to make that case meant that the court heard only the self-serving arguments of the Sandinista witnesses, many of whom, to put it bluntly, lied through their teeth in denying Nicaragua's substantial involvement in the Salvadoran insurgency.

With such self-destructive behavior on our part, it is not surprising that we obtained scant support from the court, since it is difficult for judges to resolve factual issues in favor of a litigant who does not appear to present his case. In the larger court of international opinion, many will conclude that we have no case at all.

There is a new "realism" in vogue in our country today that considers international law a utopian dream and international institutions irrelevant or worse to the advancement of our national interests. That view, which is not shared by most other democratic countries, is itself unrealistic.

International law is a system of mutual restraints and concessions that nations accept because it serves their interests. The fact that the Soviet Union and its allies repeat-

edly violate international law does not mean that it does not exist; nor does it justify our doing the same. Democratic governments, unlike totalitarian ones, hold themselves accountable for their actions under a rule of law. When we exercise our lawful right to use armed force in individual or collective self-defense, as we must in some cases, we should be willing to justify our actions in legal as well as political terms.

To say that we cannot do so in the Nicaraguan case because we would compromise vital intelligence sources is simply not credible. We were willing to show statellite photographs of Soviet missile sites during the Cuban missile crisis, and we revealed intercepts of Libyan messages to help justify our recent air strike against that country. If our case against Nicaragua is a good one, we must also have nonsensitive evidence from Salvadoran sources.

The Administration could still salvage something from its errors by publishing a full statement of the international law basis for aiding the Contras. Other nations have the right to expect this from the world's greatest democracy. The American people, who correctly like to think of themselves as a law-abiding nation, have the right to demand no less.

LE FOYER CELEBRATES 50TH ANNIVERSARY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. ST GERMAIN. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the 50th anniversary of a very special organization in Rhode Island. It is called Le Foyer. Let me tell you a little bit about it.

Le Foyer is a Catholic fraternal organization of Americans of French descent. Established in 1936, its membership has grown to almost, 1,000 strong. Its worthwhile purpose is to promote and develop the intellectual, social, religious, economic, civic and national activities of Americans of French descent as well as promote French culture.

Mr. Speaker, there are thousands and thousands of groups, clubs and organizations across this great Nation. And it would be quite easy for me to stand here and tout the virtues of any one of them. Le Foyer, however, is different.

Le Foyer stands out in the organization crowd. I know this because I speak from firsthand experience. I have been a long-time member of this fine group and have seen for myself its outstanding dedication and accomplishments.

I am honored to bring Le Foyer's 50th anniversary to the attention of my colleagues. I am sure its merits will serve as an inspiration to all who come in contact with it.

CHARLIE BENNETT MAKES THE CASE FOR AIRCRAFT CARRIERS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. COURTER. Mr. Speaker, few among us are as singularly qualified to write on naval matters as CHARLIE BENNETT of Florida. As the distinguished chairman of the Seapower Subcommittee of the House Armed Services Committee, Representative BENNETT has seen the value of large-deck aircraft carriers demonstrated again and again. In the following essay from Insight magazine, Mr. BENNETT surveys the recent history of U.S. aircraft carrier employment and expresses their great utility succinctly: "The aircraft carrier plays a vital role in the U.S. Navy because our capacity to protect our interests so often depends on our ability to project power."

If that was not reason enough to press forward with our aircraft carrier program, Mr. BENNETT notes that the Soviet Union has embarked upon a fixed-wing aircraft carrier program of its own. This is a most ominous development, for as the Soviets collect "allies" in our hemisphere and in the South Pacific, the carriers could be used to "advance the cause of socialism" and provide support for "national liberation movements."

We could never hope to keep our good idea a secret, but we must see our own carrier program through to fruition. CHARLIE BENNETT's essay is must reading for those Members who seek a true understanding of the Navy's nuclear-powered carrier program. I commend it to your attention.

[From Insight Magazine, July 11, 1986]

THE CARRIERS OF U.S. MILITARY POWER

(By Charles E. Bennett)

A torrent of analysis follows any use of American military power. Our recent action against Libya proved no exception to this rule. The press inundated us with a stream of opinion and fact regarding the attack, the decision to make it and the likely consequences of our actions.

At the risk of getting lost in the flood, I would like to point out something others seem to have missed: Once again the value of aircraft carriers has been borne out in the real world.

The U.S. Navy's emphasis on the aircraft carrier has been the subject of intense debate for years. Critics of carriers claim these large vessels are excessively vulnerable to attack and that their contributions to U.S. security are not commensurate with their cost.

These critics all have one thing in common: They base their assessment almost exclusively on how the aircraft carrier might fare in a U.S.-Soviet conflict.

Our aircraft carrier battle groups would perform a number of essential functions in a war against the Soviets. They would provide air cover for amphibious landings on NATO's flanks and help us maintain control over the sea-lanes that are vital to the reinforcement of our forces in Europe. Thus, they contribute significantly to deterring the outbreak of such a conflict in the first place.

Yes, our carriers and their escorts would be vulnerable to some kinds of Soviet attack, and yes, some of our carriers might sustain serious damage or even be sunk in such a war. But what U.S. asset is not vulnerable to Soviet attack under all possible contingencies? Carriers would not be magically immune in a conventional conflict with the Soviets. Neither would the targets of the carriers be immune.

While a war with the Soviet Union is definitely the single most important contingency for which to plan, it is perhaps the least likely situation we will face. In just the past four years, the world has watched aircraft carriers play a vital role in British operations in the Falkland islands, provide air cover and ground support for the invasion of Grenada and our Marines in Lebanon, intercept the hijackers of the Achille Lauro, conduct freedom-of-navigation exercises in the Gulf of Sidra and strike back at state-sponsored terrorism at its source. In fact, since 1946 naval forces have been used in more than 75 percent of U.S. military efforts to influence international events, with aircraft carriers involved in more than half of those operations.

The aircraft carrier plays a vital role in the U.S. Navy because our capacity to protect our interests so often depends on our ability to project power. The aircraft carrier battle group is ideal for projecting and sustaining American military power in distant areas devoid of powerful, reliable allies.

Our carriers are mobile air bases, armed with numerous sophisticated aircraft and surrounded by some of the most effective defenses on Earth. These attributes make them extremely flexible instruments of U.S. policy.

Their mobility allows them to be employed when, where and how we choose, whether our purpose is to bolster an ally or intimidate an adversary. The carriers' mobility also enables us to cover many contingencies with relatively limited forward deployed forces. In the event carrier air power must actually be used, mobility enhances the carrier's offensive power by facilitating surprise and complicating the opponent's military planning.

Given a sufficient number of carriers in our fleet, we can vary considerably the forces involved in a given operation. A wide range of power can be applied, and our effort can be readily reinforced if need be. The variety of aircraft aboard a large strike carrier and the ability to change the mix of those aircraft permit great flexibility in mission planning. Perhaps most important, carriers allow us to employ American power globally, without the political restraints often imposed by using bases on foreign soil.

Our attack on Libya demonstrated many of those characteristics that make the carrier a uniquely valuable asset. We operated multicarrier task forces off Libya at the times and places of our choosing. The carriers' mobility allowed us to avoid early warning of our strike. The variety of aircraft available made a complex operation not only possible, but successful. Our strike included airborne early warning, aerial refueling, air defense suppression, electronic warfare, air superiority fighter patrols and heavy bombing. These missions were conducted simultaneously and at night.

Air Force aircraft based in Britain also participated in the Libya operation. They were forced to fly an extremely demanding mission because France and Spain denied the United States overflight rights. Had Prime Minister Margaret Thatcher refused us permission to use our bases on British

territory, carrier air power could have been called on to do the entire job.

A third aircraft carrier could have been brought in to take the Air Force's place, or additional Navy bombers could have been transferred to the two carriers on the scene.

It is important to remember that American aircraft carriers need only the decision of our commander in chief to launch their strike aircraft, where and when he chooses. The Soviet leadership seems to understand this, even if the Navy's critics do not. They are building large deck carriers of their own, not because they believe their carriers would last long in a war with the United States, but because they understand the value of such vessels for projecting power where other forces cannot readily go.

For an uncomfortably vivid illustration of the value of large carrier forces, imagine that it was the Soviets who would soon deploy their 15th carrier battle group and that the United States was just launching its first. Does anyone believe our interests would not suffer in such a world?

While its critics strive to invent scenarios that make it seem worthless, the aircraft carrier proves its value almost daily. Despite their protestations, the large strike carrier is not a dinosaur on its way to extinction.

Rather, it is the beast of burden of a superpower with global interests and limited means with which to protect them. When used in concert with the other elements of a balanced Navy, aircraft carriers provide the United States with a unique capability to project and maintain military power around the globe. I believe it is a capability we cannot safely do without.

LARRY MARGOLIS AND MARY SPRING, 1986 MAN AND WOMAN OF THE YEAR OF SANTA CLARITA VALLEY CHAMBER OF COMMERCE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. MOORHEAD. Mr. Speaker, on July 17, the Santa Clarita Valley Chamber of Commerce will honor Larry Margolis and Mary Spring as its Man and Woman of the Year for 1986.

For more than 20 years, Larry Margolis has given his time and energy to the people of the community who were most in need. In 1966, he opened and supervised the Foster Care Program for the valley communities of Saugus, Newhall, Valencia, and Canyon Country. He founded the Santa Clarita Valley Boys and Girls Clubs and brought into the community mental health, drug and alcohol abuse, and Head Start programs.

In 1981, he opened the Santa Clarita Valley Service Center, which deals with community development and assists residents in their contacts with public and private organizations.

A long-time employee of the county of Los Angeles, Larry Margolis was instrumental in saving the child welfare office from closure. He has served as a willing and effective liaison with the Hispanic community.

Mary Spring has a long record of selfless community involvement. She has been a volunteer with the Girl Scouts for more than 30 years. She has held positions at the local, State and national levels of Girl Scouts. She has been a chairman and board member and always a leader.

This community benefactress is also involved in other activities. She is president of the Castaic Lalee Water Agency. Mary Spring is a charter member of the Santa Clarita Valley Historical Society and a board member of the Nature Center Associates of Los Angeles County.

Mr. Speaker, on behalf of the residents of the 22d Congressional District, I would like to congratulate Larry Margolis and Mary Spring on the clearly warranted receipt of this fine honor and to express my gratitude for their inestimable and recurring gifts to the people of the Santa Clarita Valley.

HARLEM: STILL A FANTASTIC PLACE TO VISIT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. RANGEL. Mr. Speaker, I rise to invite my colleagues to visit uptown Manhattan the next time they are in New York. It was once a great place to visit, and everyone would agree that it is still a wonderful community.

Harlem is in the middle of a rebirth that promises to rekindle its strong cultural heritage. With history and tradition as a guide, the new Harlem Renaissance promises to be an economic and cultural peak.

When Europeans think of New York City's rich heritage, Harlem naturally comes to mind. This is because of the great writers, musicians, actors, and leaders who made their fortunes in Harlem. These renowned individuals are an example of how far one can go if opportunity is used to one's benefit. Despite seemingly insurmountable odds, many Harlemites have prospered.

The Harlem Visitors and Convention Association is actively promoting the best that Harlem has to offer. They would be pleased to welcome anyone who visits New York with an interest to travel uptown. I would like to submit the following article for inclusion in the CONGRESSIONAL RECORD.

[From Vogue, April 1986]

THE UNKNOWN HARLEM—ELEGANT ARCHITECTURE, GLORIOUS CUISINE . . . THE MANY SURPRISES OF UPTOWN MANHATTAN.

(By Ann Banks)

It has more beautiful brownstones than any other New York City neighborhood; its avenues are broader, its side streets more tranquil. Nowhere else in Manhattan are there as many museums or churches. But while knowledgeable European visitors wouldn't dream of missing it, many Americans fear to venture there. It is, of course, Harlem.

There is much to do and see in Harlem for those with an interest in any thing from black music to turn-of-the-century urban architecture to Revolutionary-era history. Southern expatriate that I am, I was drawn uptown by twin childhood passions: gospel singing and sweet-potato pie. To my delight, I was able to fulfill both yearnings though a tour company called Harlem Spirituals operated by a seventy-year-old Frenchman named Lucien Corcos. Corcos fell in love with Harlem when he first visited fifteen years ago. He has been taking tourists there ever since, the majority of them foreign vistors. Without ignoring the sad devastation, Corcos prefers to emphasize what he calls the "unknown Harlem" of window boxes and church hats, of lovingly tended rose bushes framing elegant Victorian row houses.

Harlem has always had international cachet, but lately more Americans have been drawn there, and a new group, the Harlem Visitors and Convention Association, has been formed to put Harlem back on the map. Like a lot of white Americans, I was hesitant to venture above 110th Street on my own. Where should I go? What should I see? Would I be safe? Would I be welcome? The solution to my initial timidity, I realized, was one I would consider in a foreign country: climb on a tour bus. Let someone who really knows the place show you around the first time.. Then you'll feel more confident about wandering around on your own. (Lucien Corcos says the main avenues of Harlem are safe in the daytime, but cautions tourists to avoid side streets because of the notorious drug traffic.)

I took both the tours Harlem Spirituals offers—the Sunday-morning sightseeing/church-service tour, and the evening tour of Harlem restaurants and nightclubs. The Sunday-morning tour was guided by Peggy Taylor, a personable black woman who came to New York from Alabama by way of Oberlin College and Paris. As we started out, Taylor told us in English and German that we could expect to see the best and the worst of Harlem. Since they exist side by side—blocks of beautifully kept brownstones give way without warning to burned-out, boarded-up shells—it would be hard to see one and miss the other.

If real estate is history written in bricks and mortar, the ensemble of buildings in Harlem forms an eloquent narrative. First settled in 1658 by the Dutch, the area had been transformed by the late 1800s into a posh white suburb. The finest architects of the day were proud to leave their mark. Compared with the chaste Federal styling that characterizes my Greenwich Village neighborhood, the architecture of Harlem is, in the apt phrase of one critic, "unscrupulously picturesque." Ornament abounds. Minarets and Moorish arches nestle in with gothic fretwok and terra-cotta friezes of sunflowers and garlands of fruit.

After a late nineteenth-century boom left Harlem overbuilt, developers opened up the area to blacks, who were being squeezed out of other parts of the city. By the 1920s, Harlem had become the capital of black America, mecca for a generation of black musicians, writers, artists, and intellectuals. The Great Depression put an end to Harlem's golden age. It marked the beginning of a long slow decline into crime, arson, drugs, and depopulation from which Harlem is only now beginning to recover, with the return of educated, middle-class blacks.

The tour passes through Harlem's two most coveted addresses, nicknamed Strivers' Row and Sugar Hill. Strivers' Row, the two blocks of row houses built in 1891 and designed by Stanford White's firm, among others, is where, according to local jest, all of Harlem's Republicans reside. The equally genteel Sugar Hill commands the highest ground in Harlem, and its lovely old ivy-covered buildings once housed such notable Harlemites as Count Basie and Sugar Ray Robinson.

At the summit of Sugar Hill, the tour stops at the oldest private residence in Manhattan. Built around 1765, the Morris-Jumel Mansion especially interests Revolutionary history buffs. Because of its commanding views of both the East and Hudson Rivers, George Washington chose it as his New York headquarters while he planned the Battle of Harlem Heights. The mansion was later redecorated in the Empire style by Eliza Jumel, an American adventuress who wormed her way into French imperial circles and acquired for herself one of Napoleon's actual beds.

Leaving Sugar Hill, the tour bus passes several sites that are significant in Harlem's more recent history: the Abyssinian Baptist Church, at Lenox Avenue and 138th Street, where Adam Clayton Powell, Jr., presided; and the old Theresa Hotel on 125th Street, where Fidel Castro and Nikita Khrushchev once embraced on the balcony. Further west on 125th Street is the fabled Apollo Theatre, early showplace for black entertainers from Bessie Smith and Ella Fitzgerald to Michael Jackson. Dark for many years, the Apollo recently has reopened, for the first time under black management.

Harlem's main shopping drag, 125th Street, is the only New York street that transforms itself into a permanent art installation on nights and weekends. The paintings are all by Franklin Gaskin, a fifty-nine-year-old artist with no formal training who signs his work "Franco." His canvases are the so-called "riot gates," those ribbed steel curtains that protect store windows at night. he paints exotic shimmery pagodas or lush jungles.

At eleven o'clock, the Harlem Spirituals tour group joins the congregation of the Mt. Nebo Baptist Church for a part of its Sunday service. Mt. Nebo is known for its five gospel choirs, Every Sunday, two or three perform, sometimes accompanied by tambourines, sometimes by a magnificent saxophonist. The service begins sedately, but as the singing builds to an ecstatic pitch, the congregation and visitors alike clap and stomp their feet.

I felt nourished by my visit to Mt. Nebo. My feast at Sylvia's restaurant at Lenox Avenue and 126th Street nourished me in a different, but not entirely unrelated way. They don't call it soul food for nothing. I think of it as church-supper food, only better. Church-supper food taken to, pardon the expression, a higher power. Simply put, Sylvia's is fabulous. This is not your underdone nouvelle cuisine. As one devoted customer admiringly observed, "they cook this stuff all day." It's a place for people who believe the most important thing about food is how it tastes and smells. All for how it looks, there are those who think that a plate heaped with cornbread, collard greens, smothered pork chops, blackeyed peas, and candied yams is a sight more pleasing to the eye than, say, three steamed pea pods artfully arranged around a silver-dollar-sized slice of duck.

Sylvia's no secret anymore, and a third of her customers are from outside Harlem. Although it wasn't the only way to do it, I'm glad I went to Sylvia's on the Harlem Spirituals nightlife tour because you get to have some of everything. Lucien Corcos himself leads the nighttime tour (usually for one or two couples in a private car) and orders the food.

On the night I went, Corcos conducted the evening as a gracious host might take out-of-town friends, around to some of his best-loved spots. Before dinner, there was a forty-five-minute tour of Harlem by car, which he narrated with a passion and vividness of detail that made his stories come alive, whether they were about Alexander Hamilton's orphaned childhood on St. Croix, or Jackie Robinson's breaking of the color bar in professional sports. Leaving Sylvia's, we headed for the Baby Grand on 125th Street. An elegant Art Deco style place with a piano-shaped front window, the Baby Grand is presided over by hostess Vivian Brown, a fiftyish beauty who once danced in the famous Cotton Club chorus line with her twin sister.

As for the night's music, we never got to hear more than the backup band. Before the featured singers, two sisters named De Cocoa & Hot Chocolate, took the stage, a German woman who was along on the tour developed a crashing headache and we had to leave.

The sisters are supposed to be a hot act, and I was sorry to miss them, but all in all I was well satisfied with both Harlem tours. There were places I wanted to visit where the tour bus didn't stop—Aunt Len's Doll and Toy Museum, with one of the largest doll collections in the world, and the Schomburg Center for Research in Black Culture, where Alex Haley did research for Roots—but now I know where they are and I'll go back on my own. This time I'll take the A train.

EMPLOYEE MEAL SYSTEM

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. VANDER JAGT. Mr. Speaker, today I have introduced revised legislation to amend our tax laws and promote equity for employees of small businesses.

Until 1984, an employer was able to provide tax-exempt meals for his employees on the business premises provided that there was some business purpose for doing so. In 1984, Congress enacted code S132 which both broadened the scope and limited the level of subsidy which is available to every employee whose employer operates an eating facility. Under code S132, a subsidy of up to one-third of the fair market value of an employer-provided meal—deemed to equal 150 percent of the direct cost of providing the meal—is considered a de minimis fringe benefit which is not taxable to the employee even in the absence of any business purpose.

Code S132 creates a clear inequity for employees of small businesses which cannot operate employee eating facilities, whether for lack of adequate space or for other economic reasons. The one-third subsidy which is available to each and every employee at an employer-operated cafeteria is not now available to the small business worker.

The legislation which I am introducing today partially reverses this discrimination against employees of small businesses by providing that 50 percent of an employer's contribution of up to one-third of the cost of an off-premises meal is not treated as wages to the employee if certain conditions are met. First, the benefit must be provided to employees on a nondiscriminatory basis. Second, the meal must be provided inkind so that no cash is transferred to the employee. Third, the meal must be consumed during normal working hours at regularly scheduled meal periods, Finally, the benefit may not be transferable or redeemable. This legislation will ensure that employees of small businesses are entitled under our tax laws to at least one-half of the benefit available to employees of larger enterprises.

An employee meal system is simple to administer. Where a company cafeteria exists, all employee meals must be provided there. Where there is no employer eating facility, meals may be made available in a nearby eating establishment through direct accounts between the employer and the establishment or by means of a voucher system. This system has been proven in 17 countries of Western Europe and Latin America which have enacted similar legislation—beginning as early as 1948, in the United Kingdom.

In addition to the compelling equity justification, the Western European experience also indicates that there will be significant revenue and productivity gains from enactment of this legislation both at the Federal and the State and local levels. First, there will be additional sales tax and income and employment tax revenues at both Federal and local levels due to the increase in business at food service establishments and the additional income and employment taxes from new employees needed to serve this business. Moreover, new jobs in the food service industry will create new employment for minorities, teenagers and women, a major portion of the industry workforce.

In closing, I am delighted to introduce legislation which promotes tax equity, fairness to small business and the health and productivity of the American worker.

OREGON AERONAUTICS DIVISION CELEBRATES 65TH YEAR

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. DENNY SMITH. Mr. Speaker, I would like to take this opportunity to mark a significant event in aviation and Oregon history. This month the first public aviation agency created in the United States, the Oregon Aeronautics Division, turns 65.

Just 18 years after the Wright brothers made history at Kitty Hawk, the Oregon Legislature created the State board of aeronautics. It would be another 5 years before the U.S. Congress picked up on the idea and passed the Air Commerce Act which allowed the Federal Government to regulate aviation.

The new Oregon law made pilot registration and licensing mandatory. The newly created aeronautics board also tested pilots from competency with both written and flight examinations, a task now handled by the Federal Aviation Administration.

The forward thinking Oregon law contained provisions which still exist today—some even in their original wording. For example, no person could operate an aircraft so as to endanger the lives or safety of the public. Ob-

jects could not be thrown or dropped from aircraft. No person could land an aircraft on highways or public parks or other public grounds without permission from the proper authorities, except in an emergency.

Today's Oregon Aeronautics Division is proud heir to a tradition that stresses creativity and flexibility in seeking to meet the needs of a growing aviation community. In addition to educating the public, developing airports, implementing new safety programs, and providing a voice for Oregon aviation, the division also coordinates all air search and rescue activities for lost aircraft and persons within the State.

As aviation heads into the 21st century, its role in the lives of all Americans continues to increase. Plans are now being made which ensure that aviation will continue to grow with this country, providing safe, effective service as and where it is needed. As we sample the fruits of new technology, balancing cost against benefit, it is comforting to know that Oregonians will continue to benefit from the experience and activities of the Oregon Aeronautics Division.

HANDGUN CRIME

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. LEHMAN of Florida. Mr. Speaker, a few weeks ago one of my constituents, Mrs. Shirley Brant, was cruelly and senselessly murdered by a robber wielding a handgun. Mrs. Brant, a wife and mother who had raised a fine family and begun her own real estate business, was talking on the telephone to a client when she was shot in the face. Her last words were, "Don't shoot."

To her family and friends, Mrs. Brant's death is a loss so great that it is beyond understanding. But this tragedy is played out, over and over again, at least 10,000 times each year in this country.

Shirley Brant's husband, Dr. Lawrence Brant, has established the Shirley Brant Memorial Fund Against Handgun Crime in her memory to spare others the grief caused by handgun crime. Dr. Brant recently wrote me a letter which expresses his feelings about this matter, and I would like to share it with my colleagues.

LAWRENCE I. BRANT, D.D.S.
North Miami Beach, FL, June 27, 1986.

DEAR CONGRESSMAN LEHMAN: I want to thank you for your letter and check for the Shirley Brant Memorial Fund Against Handgun Crime.

It has been two weeks since my wife, Shirley, was murdered. It is so very hard to understand why this tragedy has happened.

I am so terribly angry at the young man, possibly on drugs, who took Shirley's life in an instant with a small handgun. This heinous crime was done only to steal her handbag for a few dollars.

As bad as this criminal is, I am angrier at our own society for allowing this man to take a very special life only because handguns are so readily available to commit easy crime and murder. "Guns don't kill people, people with handguns kill people."

You stated in your letter, "If handgun deaths were a disease, we'd be spending millions to combat this plague." There is no if in this case.

Handgun deaths is a disease. Last year alone, our nation's handgun toll was 22,000 dead and hundreds of thousands wounded. That is more deaths than from many afflictions. Yet we spend untold millions to rid ourselves of these plagues. In black males between the ages of 15 and 25 handgun wounds are the leading cause of death.

My family and I and several hundred friends are aghast at what has happened to Shirley. We are part of the silent majority of American citzens who have built our community and pay our share of taxes to support our Government and protect our lives. We love south Florida. We love America. Yet we are afraid to walk from our cars to our front doors. We fear to work in our own offices. We are the victims of handgun crimes. We are the victims who have lost our civil rights. Where are our constitutional rights to "life, liberty, and the pursuit of happiness?"

We cannot understand why our legislative bodies cannot make the logical connection between availability of handguns and handgun involved deaths. Other Western Democracies without handgun availability have less than 1 percent of the handgun deaths compared to Americans killed by handguns.

The FBI Uniform Crime Report of 1982 states that "For every criminal killed by a handgun-wielding citizen, 41 innocent lives were terminated in handgun homicides." Average citizens are not protecting themselves by having a handgun, but are endangering the lives of those around them.

My friends and I are tired of being second class citizens compared to criminals. I have always been a Liberal and respected the rights of others. The pendulum has swung too far in one direction. It is time that the courts and legislatures make America safe again for the victims of crime. I believe the victims of crime encompass over 90 percent of our population.

We are tired of paying the high cost of handgun crime for those who put extreme pressure on our elected officials. I for one am willing to pay higher taxes and become more involved in our community to make Dade County safer for me and my children. I have already paid the ultimate price.

Please, as our elected representative and fellow human being, put in your best efforts to rid us of this dreaded handgun death disease. We, the silent majority, are incensed at Shirley's senseless death. We are behind you.

Sincerely,

DR. LAWRENCE I. BRANT.

RECOGNIZING THE DAUNTLESS FIRE CO.'S 150TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. MURTHA. Mr. Speaker, it is a distinct pleasure for me to recognize the 150th anniversary of the Dauntless Fire Co. of Ebensburg, PA.

The formal organization and title of the fire company took place in 1836, and was incorporated in 1872. Actually, Ebensburg has had firemen since 1825. As part of their anniversary, the company is hosting the 94th annual convention of the Central District Volunteer Fireman's Association on August 14, 15, and 16.

It is difficult, yet instructive, to try and remember back to the very different kind of life the men who started this fire company had. It was a time when news was delivered in terms of weeks rather than minutes, when one relied on a fireplace in the winter and a hand-held fan in the summer, and when most families were self-sufficient in their needs.

But it is important to remember that one of the key elements which organized the communities of this time was the fire departments. It served as an organizer, a social meeting place, a community hub. And it is also instructive in thinking of the qualities enhanced in the fire department, because I know from my work with the citizens and community of Ebensburg that those same qualities of independence, self-reliance, and dedication remain today.

The history of the fire department is an important one to America and its communities. And it is in that spirit of our great Nation that I am pleased to join in recognizing Ebensburg and its citizens on the occasion of the Dauntless Fire Co.'s 150th anniversary.

SUPREME COURT'S NEW OUTLOOK

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. COURTER. Mr. Speaker, the Boston Herald recently published an editorial on President Reagan's two nominations to the Supreme Court, which I encourage Members to read.

The editorial mentions an important point, especially now as we are about to begin a period of long celebration of our Constitution's bicentennial. The Constitution's greatest achievement is contained not in its amendments—which were actually opposed by the constitutional authors—but in its original text. The Constitution's unparalleled achievement was to create a democratic Federal Government for a self-governing people spread out over 13 democratic States, a number soon to be greatly expanded.

The old Articles of Confederation had failed, and unless the Founding Fathers had discovered some newer, untried model of democracy, the whole American experiment would have fallen into the dust heap of history. Monarchy or aristocracy would probably still be the form under which we would be living even now. Madison saw in the Constitutional Convention at Philadelphia the "finger of that Almighty hand" which had guided the American Revolution to success the decade before.

The Bill of Rights is important but it derives its meaning and significance from two greater documents: the Constitution, which articulates the world's first truly Federal and democratic form of government, and the Declaration of Independence, which spells out the "self evident truths" controlling the Constitution's whole purpose. If President Reagan's new Justices consistently govern their reading of

the Constitution's original intention by those universal truths, they can add a splendor to the Supreme Court we have not seen, perhaps, since John Marshall and Joseph Story graced the Federal bench.

The article follows:

[From the Boston Herald, June 19, 1986]

SUPREME COURT'S NEW OUTLOOK

The retirement of Chief Justice Warren Burger and his replacement by Associate Judge William Rehnquist and Judge Antonin Scalia will not bring about any huge political realignment on the nation's highest court.

All of them can be classified as "conservative." But the change will bring new intellectual energy and vitality to a tribunal grown stale and perhaps a new respect for the Constitution as a whole.

If confirmed by the Senate, Justice Rehnquist will bring fresh talent to administering the court, perhaps cutting down on the number of cases it hears. His opinions are refreshingly brief and to the point, unlike those of so many of his colleagues, which seem to ramble on forever and sometimes even leave the state of the law less clear than it already is.

He belongs to that school of law that had become remarkably small by the early 1970s (but is growing again) that held it was the duty of judges to interpret the laws passed by Congress, not make new ones of its own.

Judge Scalia too is an excellent choice. Prior to being appointed to the District of Columbia Court Appeals by Reagan in 1982, he was editor of Regulation magazine and is probably the nation's leading expert in administrative and regulatory law. While constitutional issues rarely arise in these types of cases, this area of the law has made Scalia exceptionally sensitive to the balance of power between the branches of government. This was reflected in his decision last February to strike down the Gramm-Rudman balanced budget act as an unconstitutional delegation of authority from the executive to the legislature.

What these two judges have in common is a reverence for the Constitution—the *whole* Constitution. The liberal Warren Court tended to concentrate on the Bill of Rights almost to the exclusion of the main document. Justice Rehnquist and Judge Scalia will be able to remind their colleagues, both on the court and in the legal profession, generally, that many difficult cases can be resolved by a careful reading of the document itself.

The nominations now go to the Senate for consideration. Even liberals admit they would have difficulty stopping two such eminently qualified individuals. Nevertheless, some fireworks can be expected, especially over such issues as abortion. While Scalia has taken no public position on how he would rule, he is a Catholic and the father of nine children, which ought to hint broadly at where he is coming from. Confirmation is a serious responsibility, and we hope that it won't fall into the highly-charged partisan atmosphere we have seen on recent appointments to other federal judgeships.

CONGRESSIONAL SALUTE TO THE FAA ON ITS 50TH ANNIVERSARY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. MATSUI. Mr. Speaker, I would like to take this opportunity to honor the Federal Aviation Administration [FAA] as it prepares to celebrate its golden anniversary of air traffic control.

Prior to the FAA's acquisition of air traffic control stations in 1936, air transportation was extremely hazardous. Dangerous and sometimes fatal flight experiments were often conducted in an attempt to utilize the speed of air flight. For example, in 1918, the Post Office Department and the U.S. Army teamed up to fly mail, but the pilot, a young lieutenant just out of flight school, crashed quickly after takeoff due to his inexperience and the absence of airborne or ground-based navigation aids. In another dangerous attempt to improve mail delivery, the Post Office Department dispatched the first experimental flight involving night flying in 1921. On these daring deliveries, pilots were guided by bonfires lit by citizens along the dark flight paths.

By July 1924, regular night flying between Chicago and Cheyenne using beacons was begun and in that same year, the U.S. Air Mail Service was said to be the most efficiently organized and managed civil aviation undertaking anywhere in the world. While the use of airplanes for mail delivery was becoming widespread, the use of commercial airlines also gained popularity. In the 1930's, despite the Great Depression, the number of passengers in airports like Chicago and Newark exceeded 500,000. By 1935, severe congestion in busier airports had developed and military pilots and some airlines would not utilize the airways without Federal intervention. In an effort to lessen the danger posed by this traffic, the Government soon began to monitor the airways and airway traffic control. While the Bureau of Air Commerce did not have sufficient funds to take over the entire system, it did take possession of airway traffic control systems whenever possible.

The Bureau took control of the airway traffic control stations and 15 controllers on July 6, 1936, turning a once dangerous air transportation system into the safe, efficient system we know today. This year, I join the FAA in celebrating its 50th anniversary of Federal airway traffic control.

Mr. Speaker, I would like to personally congratulate the FAA for its 50 years of outstanding service, and to extend my encouragement and best wishes for the years to come.

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. CLINGER. Mr. Speaker, on June 26, 1986, I was absent from the floor of the House of Representatives for part of the legislative business as I had returned to the 23d Congressional District to address the Pennsylvania Disabled Veterans State-Wide Convention at the Penn State Sheraton in State College, PA. Had I been present, I would have voted in the following fashion:

Rollcall No. 204: House Concurrent Resolution 364, District work period: The House agreed to the concurrent resolution providing for a conditional adjournment of the two Houses from June 26 or 27 until July 14, 1986, "no"; and

Rollcall No. 205: H.R. 2436, Nutrition monitoring and research: The House agreed to the rule (H. Res. 484) under which the bill was considered, "yea."

BALTIC FREEDOM DAY

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. KINDNESS. Mr. Speaker, last month I had the honor of joining with the Baltic American Committee of Greater Cleveland in observing Baltic Freedom Day and the 46th anniversary of the forcible occupation of the Baltic Republics by the Soviet Union.

We also commemorated on that occasion the 45th anniversary of the mass deportations of the Baltic people from their homelands.

As we continue efforts to focus attention on the plight of the Latvian, Lithuanian, Estonian, and Ukrainian people in the struggle for freedom, I commend to my colleagues the following resolution recently adopted by the Baltic American Committee of Greater Cleveland:

BALTIC AMERICAN COMMITTEE OF GREATER CLEVELAND

(Affiliated with Joint Baltic American National Committee)

We, Baltic Americans of Greater Cleveland, assembled this Sunday, the 15th day of June, 1986, in Edgewater State Park, in Cleveland, Ohio, to commemorate the forty-fifth anniversary of the beginning of mass deportations of Baltic citizens from their homelands by the Soviet Union and also to observe the centennial of the Statue of Liberty, have adopted the following:

RESOLUTION

Whereas, in 1918, the Baltic States of Estonia, Latvia and Lithuania, after long and bitter struggle to shake the foreign rule, proclaimed themselves independent republics, regained their freedoms, grew, prospered, became recognized by other countries and became members of the League of Nations; and

Whereas, on June 15-17, 1940, the Soviet Union, acting in conspiracy with the Hitler regime, broke all existing treaties with the Baltic Republics, militarily occupied their territories and illegally annexed them, which fact had been confirmed by the Select Committee on Communist Aggression of the U.S. House of Representatives of the 83rd Congress and condemned by all U.S. Administrations; and

Whereas, the Soviet Union, the last remaining colonial empire, after committing mass genocide in the Baltic States, continues to subjugate, exploit and to deny all human rights to their people, and through a

program of colonialization, russification and severe persecution seeks to change the ethnic character of the Baltic States, all of which is contrary to the principles of civilized mankind.

Now, therefore, be it resolved, that we express our sincere gratitude to the President and Congress of the United States for the firm position of non-recognition of Soviet annexation of the Baltic States, the declaration of the Baltic Freedom Day and raising the Baltic issue at various international forums; and be it further

Resolved, that we urge the U.S. Administration to use diplomatic and other possible pressures on the Soviet Union to withdraw its military forces, and all other apparatus from the Baltic States, to release those imprisoned for struggling for human rights and to restore self-government to the Baltic States; and be it further

Resolved, that we thank all those who worked for, financially supported, and in any other way contributed towards the restoration of the Statue of Liberty, the great symbol of freedom; and be it finally

Resolved, that this resolution be forwarded to the President of the United States, and copies thereof to the Secretary of State, both U.S. Senators and Representatives from Ohio and to the news media.

Resolution submitted by the Baltic American Committee of Greater Cleveland, and adopted by this assembly.

K.A. PAUTIENIS,
President.

Mr. Speaker, we must all appreciate the freedom and independence we enjoy together with other free peoples, or we shall eventually lose such precious freedom.

NATIONAL AIR AND SPACE MUSEUM DULLES WING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. WOLF. Mr. Speaker, preliminary planning and design is continuing on a proposed new wing of the Smithsonian's National Air and Space Museum at Washington Dulles International Airport, and I am pleased by the level of support for this project among our colleagues, the aviation community, and the American public.

Planned to house the space shuttle *Enterprise* and the IMAX movie theater, the initial facility now being designed will be part of a proposed $90 million Dulles wing, which will ultimately accommodate the restoration and display of aircraft too large to be located within the museum's facility on the Mall in Washington, DC.

I am pleased by the support for this important project from the Virginia Road Builders Association [VRBA] and the American Road and Transportation Builders Association [ARTBA]. This week, ARTBA members are having their national convention in San Francisco. Under consideration by ARTBA members is the contribution of funds or in-kind services necessary to build the road and initial parking areas for the Dulles project. The members of ARTBA and VRBA are to be commended, and I wish them much success during their convention.

Many of our colleagues are aware of activities related to the proposed Dulles wing, and legislation has been introduced in the House and Senate to make this proposal a reality with financial support from both the private and public sectors. Important support for this effort comes from the Air & Space Heritage Council, a nonprofit corporation using donated professional assistance and formed by the Aero Club of Washington, the National Aviation Club and the Washington Dulles Task Force to focus support and coordinate the activities of the many people and organizations willing to help develop the Dulles wing. Mr. Speaker, I ask that a short summary of the activities and mission of the Air & Space Heritage Council be included in the RECORD at this point.

The Smithsonian's National Air & Space Museum (NASM) on the Mall has educated, excited and inspired over 75 million people since its opening on July 4, 1976. The existing collection chronicles the history of flight and lets us literally touch the moon, or imagine we are soaring with the Wright Brothers at Kitty Hawk. As impressive as the current NASM exhibits are, however, they represent only 25 percent of the national aerospace collection. The remaining aerospace artifacts are stored due to lack of space at the existing museum in Washington, D.C.

The Air & Space Heritage Council is working with the Smithsonian to change that by supporting the construction of an expanded National Air & Space Museum at Washington Dulles International Airport. Distinguished members of the U.S. Senate and House of Representatives, as well as top industry and community leaders, have joined the effort.

With land to be provided by the Federal Aviation Administration at Washington's Dulles International Airport, Phase One of the Dulles Wing will provide a national home for the Space Shuttle Enterprise and a record of man's expansion into space. The new museum will also include buildings capable of housing airplanes the size of a B-707 and the Enola Gay, as well as the latest spacecraft. Certainly one of the most exciting exhibits will be the Space Shuttle Enterprise. This remarkable vehicle, representing man's first reusable space transportation system, will be displayed in Challenger Hall—to be named to capture the spirit of the Challenger 51-L crew and inspire visitors to keep that dream alive.

The expanded facility will offer more than static displays. Interactive exhibits, an IMAX theater, and an astronautical observatory are just some of the items being planned to let visitors really experience the role air and space plays in all of our daily lives.

There is now an urgent need to develop the initial phase of the NASM Dulles Wing and provide a national home for the Enterprise. This first stage includes construction of Challenger Hall, a $9-million project. Construction funds must come from the public. Public interest in the Smithsonian Institution, coupled with the reality of U.S. budget constraints, has caused the private sector to join with the Federal Government to fund this project. Challenger Hall will be built without Federal money, but operated by the NASM with financial assistance provided by the Air & Space Heritage Council. Construction of the Dulles Wing, comprising five buildings, should be completed by the end of this century.

The NASM Dulles Wing will further understanding of the impact aerospace has on the nation, its history, and its future. For inspiration to continue the task, the public needs a place where they can see the aircraft and spacecraft that they now only read about, and explore with mind and eye the new and exciting frontiers of space.

HO SUNG KIM COMPLETES CONGRESSIONAL FELLOWSHIP

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. DYMALLY. Mr. Speaker, as many of our colleagues are aware, I have hosted a Fellowship Program for the past 5 years for staff members of the National Assembly of the Republic of Korea. It is with sadness that we have reached the day when we must say goodbye to our current fellow, Mr. Ho Sung Kim. My staff and I have come to know Ho Sung as a friend. And while we know that he is returning to a career that will be enhanced by his experiences in our Congress, still, we must acknowledge the loss we feel at his departure.

Ho Sung is a young man of much brilliance. His need to know seems to drive him to dig deep beneath the surface of issues. Ho Sung is an economist by training and is a member of the Assembly's Finance Committee staff. He has been fascinated by the issue of tax reform and came to understand the nuances of tax reform and the potential impact of individual reforms on the various sectors of our economy. I would venture to say that he has a grasp of this matter that most congressional staffers assigned to the tax issue would dearly like to possess.

My staff and I have greatly enjoyed our spirited discussions with Ho Sung on both domestic and international politics. His insight regarding the underlying motivations of political movements is truly astounding. It is something one finds in a seasoned politician but is rare in one who is relatively new to the political sphere.

Beyond what Ho Sung has given us by his presence, he has also contributed greatly to the Korean Assembly Fellowship Program itself. Thanks to Ho Sung's pioneering work, the Fellowship Program will this year for the first time be extended to the Senate side. In my occasional visits to Korea, I have looked forward to meeting with the past fellows and hearing how they compare experiences with one another. Having fellows on the Senate side will add a whole new dimension to our discussions. And I look forward to the day I will be able to sit down with Ho Sung in Seoul and reflect on the fruit of his labors.

To Ho Sung we say not goodbye, but rather, take care until we meet again.

PLUGGING FARM SUBSIDIES INTO PERSPECTIVE

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. STANGELAND. Mr. Speaker, in view of the current criticism of agricultural programs and the difficulties many American farmers are experiencing today I would like to bring to the attention of my colleagues a recent article printed in the Wall Street Journal. This article outlines a concern that should be considered by all of us, rural and urban representatives alike, because we all greatly benefit from the commitments and contributions of the American farmer.

The article follows:

PLUGGING FARM SUBSIDIES INTO PERSPECTIVE

(By Tom Barlow)

Cropland agriculture has become a special form of enterprise in our nation, a utility. Private, to be sure, but still a utility like electric power.

Grains and beans are the foundation crops for much what we eat—red meat, poultry, eggs, milk, bread—and as with electric power, if cut off or even with sharp reductions imminent there is an outcry from consumers that registers at peak volumes. Thus the government works hard to make sure agriculture and electricity shortages do not happen. Quite simply, surpluses are preferred.

So government programs—from loans at harvest, to target prices for crops, to technical services in the field, to plant research—have been very successfully devoted in recent years to making certain that stocks of commodities are plentiful.

So, too, we have excess supply capacity in our electric network, and it is quite substantial. Nationwide our generating capacity is over 25% more than is needed.

The North American Electric Reliability Council, a consortium of utilities, expected peak nationwide demand for this past summer of 465 million kilowatts. But the national system had in place 684 million kilowatts of power-generating capacity.

There is complaint in some quarters that this is too much plant capacity, but the issue is somewhat academic, since the plant capacity is already there—in the 1970s everyone overestimated the need for electricity. The utilities would have been irresponsible not to press for more capacity, and consumers are paying almost all the cost of this plant surplus in their electric utility bills. Many are comfortable knowing that a buffer is there.

What is the cost of this excess capacity? Some rough calculations can help here. Estimates put the value of the nation's electric plant at about $400 billion.

A conservative estimate of the value of idle plant capacity is $75 billion. But this capacity must be paid for; construction and maintenance fees must be recovered. For simplicity's sake, assume a 20% annual carrying charge per year to consumers across the nation to cover amortization of investment principal, interest, maintenance costs and management fees for this $75 billion plant inventory. With this calculation, consumers are paying $15 billion a year in their utility bills for surplus capacity.

Now contrast the respectful manner in which this bill for surplus electricity is being paid today with the humiliating way farmers are treated when they come before Congress every few years to secure some guarantee that they will recover the costs of producing a food surplus.

Electric-power companies enjoy a consensus that their monthly electric bills to consumers should return their costs of production, which include: cost recovery of plant and equipment and reserves for replacement; adequate salaries for all utility employees, and an appropriate rate of return to bondholders and stockholders on their investment.

To be sure, there is a little griping when the utility bill is paid each month, but generally the utility is not blackguarded and vilified. Most of us are grateful that when we flick the switches in our homes and places of work, the power comes on. We are grateful for the security that surpluses provide.

But when the farmers go before Congress for income guarantees that do not even begin to approach those that electric-power companies are accorded, there is no mild griping. No indeed. Farmers are often cast in the role of chiselers, and the price guarantees that they seek are made to seem virtual handouts. Gratitude for their hard work through the seasons is a hard commodity to come by.

Now consider this. In the 1985 Farm Bill, what will be the cost of commodity programs for our surplus crop production? The best government estimates are that the cost will be $10 billion per year for each of the next five years. Hmmm. That just about matches the bill that electric utilities can be calculated to the levying on consumers for surplus generating capacity each year.

To escape the grueling gauntlet that they are made to run in securing passage of a Farm Bill every few years and to make sure that their costs of production are properly tallied and recovered, our nation's farmers have a lot to learn from America's electric-utility companies.

A POLISH MUJAHIDEEN

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. DORNAN of California. Mr. Speaker, I rise today in an expression of support for a truly courageous freedom fighter, Mr. Lech Zondek. This great Pole reminds Americans that the cost of freedom is indeed very high. It is ironic that Lech Zondek died on July 4, while fighting the tyranny of communism—in the hottest battleground today—in Afghanistan. Lech's actions embodied that tenacious Polish spirit which is reflected in a famous Polish saying "For your freedom and ours".

Mr. Speaker, it was not a spur-of-the-moment decision for Lech to join the Mujahideen freedom fighters. Since the Soviet invasion of Afghanistan in December 1978, Lech spoke of the need to resist the temptation to ignore the sorry plight of millions of Afghans. In January 1981, Lech left Poland determined to fight Soviet tyranny. His circuitous route to the freedom fighters took him through Austria, Australia, and Pakistan.

After becoming an Australian citizen in 1984, Lech joined the Afghan resistance. He wrote many letters to his friends in Poland and Australia, maintaining strong ties to the Support for Solidarnosc Committee. Mr. Speaker, I would like to take this opportunity to submit for the RECORD a telling excerpt from one of these letters because I think it is important that Americans reflect on the realities of life in Afghanistan today. The letter also serves as a stark reminder to Americans that in remote regions of the world, patriots are dying daily in the fight for freedom and liberty.

A POLISH MUJAHIDEEN

(20 February 1985) Yesterday I heard a roar of many tank engines. I was even quite alarmed because with no arms at all I was helping with pruning at a vineyard. Luckily nothing happend. Today I learned from the commander that the Ruskies are stationed at a nearby, densly populated village. There is noting we can do because when attacked, they do not fire at us from machine guns, but at the village with tank artillery. Since nothing much is happening, I might try to go to the village dressed in Afghan get-up with a Kalashnikov under my coat (with collapsible stock) and take some photos or tape something.

I am so accustomed to mortar fire that without it I would probably find it difficult to fall asleep. The Russians are shadow-fighting and from dusk they fire in every direction. Just in case. After this here war, one could make a fortune in scrap metal. Wherever one looks, there are lots of bits of mortars, bombs, rockets, guns. A much greater problem will be with mine disposal because around each Russian base they have planted minefields and modern mines are plastic—metal detectors won't be much use.

On my part, I use the time to get back to peak physical form: food is served to me, I have no duties except dressing wounds and medicine distribution. I now have a separate room with a padlock and a bath in a mosque where I take a shower every day (in the afternoon, because it gets hot and the water is cold). I dismantle and re-assemble various murderous machinery and exercise (still paralitic-style a bit but getting better). I still cannot clench my fist. I don't know when this letter will reach you, but it won't be soon so I shall look for a reply from you in Peshawar."

CRUELTY TO ANIMALS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. MORRISON of Connecticut. Mr. Speaker, I would like to share with my colleagues a letter to the editor of the New York Times, which eloquently describes the cruelty inflicted upon animals during the trapping process and which raises questions about the use of tax dollars for habitat manipulation to build game populations.

[From the New York Times, Dec. 21, 1985]

DISPATCHING ANIMALS AND PROTECTING PELTS

To the Editor: I am a licensed trapper in Connecticut. I successfully completed the state-mandated trapper-training course that Joseph E. Poser of the American Fur Industry praises (letter, Dec. 5), claiming it teaches us how to "minimize the stress" experienced by the trapped animals. Mr. Poser is

either describing his hallucinations, or he is, forgive me, pulling the wool over the reader's eyes.

The "dispatching" of trapped animals, for example, is taught with the single goal of protecting the value of the pelt. Thus, a fox is killed by the trapper's standing on the animal's chest right at the armpit and then grabbing the hind legs and yanking like hell. This eventually crushes the animal's heart. It doesn't work so well, however, if the trapper is a 95-pound boy, and there are indeed 95-pound boys who trap in our state.

The course also teaches us how to manipulate habitats in order to boost population levels of target species. For example, we are encouraged to plant cattails, a food source for muskrats (more food translates into a higher reproduction rate).

And yet Mr. Poser insists that trapping is essential to "protect property from animal depredations." I suggest that with trappers for friends, farmers don't need high interest rates to do them in.

WILLIAM MANNETTI.

NEW HAVEN, *December 8, 1985.*

LET'S KEEP THE EXPORT-IMPORT BANK OUT OF THE BUSINESS OF SUBSIDIZING FOREIGN AGRICULTURE

HON. JIM ROSS LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. LIGHTFOOT. Mr. Speaker, I appreciated the clarification during debate earlier today regarding the role of the Export-Import Bank in the subsidization of foreign agriculture. I, too, considered offering an amendment similar to that of the gentleman from Oklahoma [Mr. ENGLISH] to help clarify the fact that promotion of foreign agriculture is beyond the scope and purpose of the Export-Import Bank.

Too often our well-intentioned foreign policy goals in this area conflict with our efforts to help the American farmer compete on a level playing field for a fair price for his products. While the Department of Agriculture spends billions on the homefront trying to keep our own farmers in business, we have other programs supporting their foreign competitors. We need to keep the Export-Import Bank from becoming another agency that contributes to this self-defeating policy.

The purpose of the Export-Import Bank, according to the act by which it is created, is as follows:

To aid in financing and to facilitate exports and imports and the exchange of commodities and services between the United States or any of its territories or insular possessions and any foreign country of the agencies or nationals thereof.

In other words, the Export-Import Bank is supposed to help facilitate mutual trade between the United States and foreign countries. However, our promotion of foreign agriculture does nothing to further this end. In fact, our promotion of foreign agriculture is detrimental to mutual trade efforts in that it helps sustain our current record foreign trade deficit. This is particularly harmful at this point in time, when the United States is an agricultural debtor nation for the first time in decades. It therefore is very important that we maintain restrictions on the Export-Import Bank in this area.

Again, I appreciated the earlier clarification on this matter. As debate on the Export-Import Bank continues, I ask my colleagues to bear in mind that the Export-Import Bank has no proper role in promoting foreign agriculture and contributing to the problems we face with trade in this area.

SALUTE TO THE INTERNATIONAL TYPOGRAPHICAL UNION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. GEKAS. Mr. Speaker, I will have the great pleasure of attending the opening ceremony of the 127th Convention of the International Typographical Union on Saturday, August 9, 1986, at the Hershey Convention Center. The convention, which draws typographical union members from all across the United States and Canada, is being hosted this year by Harrisburg Typographical Union No. 14 on the occasion of their 150th anniversary.

The typographer has always displayed a long and firm dedication to his or her craft. While the technology has noticeably changed over the years, the workers have remained steadfast in their commitment to excellence in the printing trade.

I am pleased to extend warm greetings and congratulations from the U.S. House of Representatives to the membership of the typographical union. I ask my colleagues to join me in saluting the International Typographical Union, which has shared in our history since its founding in 1852. The Harrisburg Typographical Union No. 14 also shares an impressive place in our history dating back to 1836. I would like the CONGRESSIONAL RECORD to reflect my personal congratulations to the union membership for achieving these milestones.

MR. SAN FRANCISCO

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mrs. BURTON of California. Mr. Speaker, today I would like to salute the man who richly deserves the title "Mr. San Francisco."

For the past 50 years the city of San Francisco has contained a journalistic treasure—Herb Caen. Through his daily column he has enriched the lives of San Franciscans by his abundant wit, historical perspective, and his unquenchable love for San Francisco.

It may be that 50 years of Herb Caen and his column is a milestone but it can also be a harbinger for another 50 years of being able to enjoy his unique blend of talents.

Our best wishes to Herb Caen on this happy anniversary.

VLADIMIR POSNER EXPLOITING TELEVISION NETWORKS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. DORNAN of California. Mr. Speaker, I rise today to bring to the attention of the American public, Vladimir Posner, a paid propagandist for the Soviet Union. I find Mr. Posner's use of the American television medium particularly distressing because the lies he spews forth can make a powerful and lasting mistaken impression about the Soviet Union. I also fail to understand why major television networks continue to provide Mr. Posner a forum to criticize the United States and particularly President Reagan.

Posner is being given direct access to the American public by television networks who are not appropriately challenging him during his appearances. In fact, during Mr. Posner's recent visit to the United States, the networks were falling all over themselves to allow Posner to communicate Soviet propaganda and lies about arms control and the Chernobyl disaster.

During Posner's appearance at the American Enterprise Institute here in Washington, he denied the existence of the extensive Gulag prison system and the discrimination of the Soviet's Jewish community. In another event Posner was emphatic that the Soviets had shot down Korean Air flight 007 because it was on a spy mission. This is absolutely ludicrous! But this garbage is being presented to the American spectator via a well packaged and respected medium of communication.

Mr. Speaker, I would like to submit for the RECORD some further comments about this situation by a respected journalist, Mr. Reed Irvine. His article will hopefully alert the American public about the folly of allowing Soviet propaganda on U.S. television. Mr. Irvine's article appeared in the May 30 issue of the Washington Inquirer and is titled "Vladimir Posner: TV's Favorite Russian."

VLADIMIR POSNER: TV'S FAVORITE RUSSIAN

(By Reed Irvine)

Vladimir Posner, who is usually identified as a Soviet journalist or commentator, has become almost a household name in the United States, thanks to American television. He frequently appears on programs such as ABC's "Nightline," to comment on such hot topics as the shoot-down of KAL 007. In February, ABC gave him over 7 minutes of prime time to comment on President Reagan's just concluded televised address on national defense. Posner took advantage of this opportunity to label the president's speech "dishonest."

That didn't sit well with either the White House or the American people, and ABC ended up acknowledging that it had made a mistake in giving Posner so much time and in not having someone on with him that might have challenged some of his statements. While this suggested that higher-ups at ABC were prepared to concede that he might just be using their facilities to spread disinformation, it didn't mean that they were in the future going to deny him that opportunity. He was invited to appear on ABC's "Viewpoint" program on May 29,

along with Roone Arledge, president of ABC News, Tom Brokaw, anchor of NBC's "Nightly News," and Senator Jeremiah Denton.

Whether these Americans will succeed in exposing Posner's lies, expressed in the flawless, unaccented English he learned while growing up in New York City, remains to be seen. To succeed, they will have to do more homework than the TV personalities that have interviewed him in the past.

The most recent of these was Phil Donahue, who had Posner on his show for a full hour on two successive days. Donahue, who can be rough on guests he disagrees with, made some effort to confront Posner with hard questions, mainly on the question of Jewish emigration from the Soviet Union. But Donahue let his guest get away with defending murder.

He pressed Posner about the Soviet delay in revealing the Chernobyl nuclear accident that spewed dangerous radiation over a wide area. Posner insisted that the delay was all very sensible. They just wanted to make sure they had all the facts before going public. Didn't that endanger lives of people in the area? Not at all, Posner, assured us. He said 90,000 people were evacuated "in a matter of days." He said, "I call that being very, very considerate. "Donahue must have agreed. He changed the subject.

Perhaps he didn't know that it took the Soviets 36 hours before they evacuated 49,000 people from the immediate vicinity of the burning reactor. Twelve days after the accident the world was informed that an additional 35,000 had been evacuated from the Chernobyl area, which is 12 miles away from the site of accident. Just when that evacuation took place, the Soviets did not say, but it is believed the evacuees had been exposed to heavy radiation for at least a week. Many of these people will die before their time because of the delay in getting them away from the radiation. But Posner tells us the Soviet regime was "very, very considerate" of them.

Donahue was equally unprepared to deal with Posner's lies about the massacre by the Soviets of 269 people on KAL flight 007 in 1983. Posner insisted that it was a spy plane and that they had no way of knowing there were passengers aboard the huge 747. Donahue had no answer to that, even though any sensible American knows, if nothing else, that there is no way the CIA is going to send such a plane, with a U.S. Congressman aboard, on such a dangerous and unnecessary mission. Donahue granted, "for the sake of argument" that it was on a spy mission, saying, "You still don't shoot it down."

But after Posner claimed that the Soviets had tried for "four and a half hours" to get the plane to identify itself before finally shooting it down, Donahue changed the subject. The truth is that KAL 007 was over Kamchatka for 48 minutes, and Soviet fighter planes didn't even locate it. It was shot down 10 minutes after it reentered Soviet airspace over Sakhalin. Tapes of the Soviet pilot's conversation show that he did not follow the prescribed procedures to get the plane to land. He simply shot it down.

SCIENCE AND TECHNOLOGY EDUCATION FOR THE FUTURE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. WALGREN. Mr. Speaker, much has been said in recent years about the weaknesses of our public education system in teaching basics—reading, writing, and arthmetic. But there is now another basic: Science. Our elementary and secondary students do not seem to be acquiring the skills, interests, and motivation that are needed to pursue college programs leading to careers in science and engineering. And this is significant, because if students aren't adequately prepared in these academic areas by the time they finish high school, it's often too late to catch up.

In the Subcommittee on Science, Research, and Technology, we are very much concerned about this issue. It is, of course, closely related to our interest in the health of the U.S. academic research community and our oversight of the National Science Foundation. I would like to commend to my colleagues the following editorial, taken from the June 1986, Spectrum magazine, published by the Institute of Electrical and Electronics Engineers. It presents an interesting proposal for partnerships between our research universities and the precollege education system.

It is important that we encourage all efforts to enhance precollege education nationally, with the purpose of increasing the number of students entering science and engineering programs upon graduation from high school, as well as improving the general level of understanding of these topics in the public at large. This is another good reason for strengthening the National Science Foundation science and engineering education program, which supports projects along the lines proposed.

A HELPING HAND

(By Donald Christiansen)

Wouldn't it be appropriate if the major U.S. research universities would get together in a cooperative effort to influence the curriculum and the quality of instruction in public schools at the precollege level? It is widely known through the many reports published in recent years that the teaching of science, mathematics, and even English in elementary and secondary schools has deteriorated.

But when such a proposal is made to leading university educators, they generally express interest, but little inclination to act. A great deal of the engineering colleges' efforts are spent in competing for the best of the high school graduates. Most universities argue that they have no trouble filling their quota of top-grade engineering freshmen. They say the quality of engineering students is better than ever. They conclude they have little incentive to reach back into secondary schools to influence curricula or teaching quality. Furthermore, they say, they have neither the money nor the manpower to do so.

Whose responsibility is it to exert pressures for change at the precollege level? Educators acknowledge that the principal pressure point remains the local school board, but they hesitate to "interfere."

We are told that one of every six college freshmen in the United States is enrolled in a remedial reading course, one of five in a remedial writing course, and one of four in a remedial math course.

At the University of South Carolina in recent years, 50 students who fell significantly short of the standard admission requirements but who were commended by their high school counselors as having high potential were put into a special program to bring them up to speed. The percentage of those from this group who attained graduation exceeded the graduating rate of the other students, but at double the first-year cost. The implication is twofold: first, many bright students whose precollege education is inferior are lost to the fields of science and engineering and, second, investments by universities in remedial programs might better be spent to influence and upgrade precollege programs.

Of course, there are some practicing engineers who would veto such efforts on the grounds that we don't need more engineers. They miss the point.

It would be in the longer-term interests of not just the engineering schools but of the universities themselves to become a force for the improvement of public education at the precollege level.

Seizing such a banner could provide these benefits:

A more technically literate citizenry.

Higher productivity for the nation.

A larger pool of secondary school graduates qualified for engineering school. Those not accepted should not despair—other professions need them badly.

Could not the major research universities form a leadership consortium that would guide the administrators of secondary schools toward curricula and instructional techniques more attuned to our high-tech society?

TRIBUTE TO CHRISTINE E. TRIGG

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. RODINO. Mr. Speaker, I rise to pay tribute to a fine woman, Mrs. Christine Trigg, and to her lifetime devotion to spreading the word of God throughout our community.

Mrs. Trigg, the daughter and grandaughter of ministers, is the first black woman to become president of the New Jersey Council of Churches.

Mr. Speaker, I commend to you, for publication in the CONGRESSIONAL RECORD, an article about Mrs. Trigg and her work which was published in the Newark Star Ledger, May 4, 1986.

COUNCIL OF CHURCHES PRESIDENT HAD ROLE MODELS IN FOREBEARS

(By Charles Q. Finley)

Christine E. Trigg of Newark believes a vital role is assured for the church in a rapidly changing society.

"High technology can go just so far," asserted Trigg, the first black woman to be elected president of the New Jersey Council of Churches. "The uniqueness of human

beings, and the importance of the humanities in life, are becoming more apparent."

"The role of the church is much the same today as it was in years past, and it will remain so. It reaches out to help mankind, whether it be providing faith, or giving food to the hungry or shelter to the homeless.

"As long as those needs remain, the church will be there to help. No machine will ever replace the services of the church."

"We know no computer is any smarter than the human being operating it. We can depend on high technology for a limited number of things, albeit many of them are pleasant, but the human race and the church never will lose their intrinsic values."

Trigg is a lay member of the Clinton Memorial African-Methodist-Episcopal (AME) Church in Newark, where she chairs the board of trustees.

She was installed as council president yesterday at the 42d annual session of the council held in the church.

She is the daughter and the grand-daughter of ministers. Her mother, Julia A. Baum of Cleveland, Ohio, now a retired teacher, was a general officer in the Zion Church Mission.

"Being deeply involved in religious activities became second-nature to me," Trigg recalled.

She was raised in Columbia, S.C., and her early education was in church-affiliated schools, including Allen University in Columbia, where she earned a B.S. degree in business administration. She also holds a business management certificate from the American Management Association of New York.

She is a member of the National Council of Negro Women, the National Association of University Women, Zonta International, and the Pan Hellenic Council, where she serves as first vice president. She also is immediate past director of the Northeast Region of Sigma Gamma Rho sorority.

Trigg is listed in numerous books of outstanding Americans, including Who's Who of American Women, Distinguished Personalities of America and Who's Who of Women of the World.

She has received the Distinguished Corporate Alumni Citation from the National Association for Equal Opportunity in Higher Education and the Northeast Region Hall of Fame Award from Sigma Gamma Rho, to name but a few honors bestowed upon her over the years.

She retired in 1982 after serving 25 years with the J.B. Williams Co. in Cranford, where she held various administrative posts.

Her husband, Raleigh, is foreman for repair and maintenence for the Newark Board of Education. The Triggs have three children—Iris and Ida of Newark, and Shearon, of who lives in South Carolina.

Trigg is so busy no time is left for hobbies.

"When would I have time for a hobby? I read romantic novels and mysteries for a change of pace, but actually I find all-too-little time even for them."

The New Jersey Council of Churches represents 17 major denominations and is holding an open dialogue with the Roman Catholic Church. Its concerns include civil and human rights, justice, hunger in foreign countries, nuclear weapons and migrant workers, as well as church development and community problems.

Trigg blames a breakdown in family ties for young people taking less interest in the church today.

"Youth took the church much more seriously in my generation. A loosening of family ties is the basic cause, as it is for the increase in juvenile delinquency.

"Especially in these troubled times, the church has a responsibility to help strengthen family ties and give people faith because without faith, some firm belief, there is little hope for the future.

"It's difficult to find the strength to survive today, when with so many things going wrong. I depend upon my religious training to support me, and believe everything happens for good reason."

Trigg said as council president she will reach the grass roots level to spread the New Jersey Council of Churches story and will continue to foster dialogue with the Roman Catholic Church.

ELWOOD KIRKPATRICK NAMED 1986 DAIRYMAN OF THE YEAR

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. SCHUETTE. Mr. Speaker, Michigan State University's Animal Science Department has named Mr. Elwood Kirkpatrick of Kinde, MI, its 1986 Dairyman of the Year.

There are few so deserving of this honor as Mr. Kirkpatrick. Elwood and his family operate a 1,000-acre, 175-cow farm which for many would be a full time task. But Elwood also devotes much of his time representing other dairy farmers as president of the Michigan Milk Producers Association. The MMPA is Michigan's largest milk marketing cooperative, with about 4,000 member farms. All can attest to Elwood's tireless work on their behalf. Elwood, who with his wife was named the MMPA's Outstanding Young Dairy Couple for 1971, also serves as president of the Michigan Agricultural Conference, chairman of Michigan Dairymen's Market Program Committee, sits on the Board of Directors for the American Dairy Association and Dairy Council of Michigan, and is a member of the Michigan Commission on Agriculture.

Mr. Speaker, it is my honor to rise before my colleagues in the House to congratulate Mr. Elwood Kirkpatrick—farmer, public servant, and family man—as the 1986 Dairyman of the Year.

RECOGNIZING WALLACE ACKLEY FOR SAVING THE LIFE OF DONALD KOEBKE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. KILDEE. Mr. Speaker, I would like to call to the attention of the Congress of the United States the heroic act of Mr. Wallace Ackley of Durand, MI, who will be presented with the Red Cross Certificate of Merit on July 18, 1986. This certificate is the highest award the Red Cross gives to individuals who use their first aid training to save a life.

On August 8, 1985, Mr. Donald Koebke, also of Durand, was working in his field when he fell from his tractor and was run over. His son saw the tractor running wild in the field and informed his mother, Diane. When Diane investigated and found her husband seriously injured, she sent her son to Wallace Ackley for help and asked him to bring his first aid kit. When Mr. Ackley arrived, he tied a nylon and velcro strap to each leg above the wounds and applied arterial pressure to each femoral artery in the groin area. About 5 minutes later, Mike Cole arrived and offered to help. Mr. Ackley instructed him to apply pressure on the right femoral artery while he held pressure on the left. In this way, they controlled the hemorrhage until the ambulance arrived approximately 20 minutes after the accident occurred. According to the doctor who later treated Mr. Koebke in the emergency room at Flint Osteopathic Hospital, Mr. Koebke's life was saved by the first-aid treatment he received from Mr. Ackley at the scene of the accident.

Mr. Speaker, the Red Cross Certificate of Merit which Mr. Ackley is to receive cites his action to save the life of a victim of severe bleeding and is signed by President Reagan. Mr. Wallace Ackley's quick, proper, and selfless lifesaving action is worthy of this country's recognition and honor.

INTRODUCTION OF PUEBLO LAND TRANSFER LEGISLATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. RICHARDSON. Mr. Speaker, on behalf of the New Mexico congressional delegation, I am pleased to be able to introduce today a piece of legislation to convey a small parcel of land to the pueblo of Zia. The New Mexico delegation, in conjunction with the involved parties, worked cooperatively to develop this bill. Similar legislation is being introduced in the other body by New Mexico's Senators.

This bill conveys 1,840 acres of land, which presently forms an "island" within the current pueblo of Zia boundaries, from the jurisdiction of the Bureau of Land Management [BLM] to the Bureau of Indian Affairs [BIA]. The land is to be held in trust by the BIA for the use and benefit of the Zia people. This tract of 1,840 acres has existed as virtually a "no man's land" for too long. The BLM has implemented no range management plan for it, because it has not had legal access to the land. The BIA has also taken no responsibility for the land because jurisdiction for it falls under the BLM. The Federal Government has therefore not adequately supervised or managed this acreage. Our bill resolves this problem by vesting the responsibility for the land to the pueblo of Zia—the people who stand most to benefit from its use.

Historical documentation indicates that the area has been occupied by the Pueblo of Zia since the 1300's. Current information proves that the Pueblo continues to actually, exclusively, and continuously use the land. There are eight known religious sites on the 1,840 acres, which Zia religious leaders regularly visit. Zia potters also continue to collect white, black, and red paints from a site on this land. I am convinced of the Zia's longstanding historic and religious attachment to the land. In

addition, the pueblo's plan to use the land for additional grazing demonstrates their intentions to use the land for future generations.

The pueblo of Zia already owns the surface rights to this "island" of land. There are preexisting rights to the land in the form of two oil and gas leases owned by Yates Petroleum and a Mr. Merle Chambers. Plains Electric Generation and Transmission Cooperative also has a right-of-way for a transmission line. All of these legal rights are carefully protected in this legislation, and the pueblo and the affected groups have reached a compromise which is reflected in the language in this bill. The bill also states specifically that water rights appurtenant to the land shall be those rights existing under State law at the date of enactment of the bill and no new water rights are created or conveyed. Sandoval County, where the land is located, is in support of the proposed transfer. The State director of the BLM has also stated in a letter to the congressional delegation that "We are unaware of any negative consequences that would result to the United States or third parties as the result of such transfers."

Mr. Speaker, I am proud to be able to introduce this bill which I believe will be of great benefit to the pueblo of Zia. This piece of legislation, the result of a joint effort by the New Mexico congressional delegation, will assist this tribe in attaining their full cultural heritage, and in developing their full economic potential. I urge careful and prompt consideration of this bill, and the support of my colleagues for it. Thank you.

NATIONAL MAXIMUM SPEED LIMIT AMENDMENTS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. JEFFORDS. Mr. Speaker, today I am introducing legislation to correct a flaw in the formula for determining compliance with the national 55-mile-per-hour speed limit which, contrary to the intent of the law, penalizes States which have general speed limits below the national maximum of 55 miles per hour.

Back in 1974, Congress reduced the national speed limit to 55 miles per hour in an effort to conserve fuel and reduce highway fatalities. In order to insure that States comply with the Federal mandate, the apportionment of Federal aid highway funds is contingent upon State enforcement of the 55-mile-per-hour speed limit.

A 1978 amendment to the law and subsequent Department of Transportation rulemaking established specific criteria for determining State compliance with enforcement provisions of the law. The Secretary of Transportation has discretionary authority to withhold up to 10 percent of certain noninterstate Federal aid highway funds if data submitted by the States shows that more than 50 percent of the vehicles sampled are exceeding the 55-mile-per-hour speed limit.

The problem lies in the selection of highways used to monitor for compliance with the law. Only State, Federal, and interstate highways which are posted at the 55-mile-per-hour speed limit may be included in the samples of highways monitored for compliance.

The 1978 amendments require State transportation officials to monitor a representative sample of 55-mile-per-hour State, Federal aid, and Federal highways for compliance with the law. States are given maximum flexibility in choosing where to monitor. Thus, States may monitor two-lane undivided highways as long as they are posted at 55 miles per hour. The average speeds on these highways are much lower than on divided highways built to Federal specification. By weighing the sample with data from undivided State highways, many States have been able to bring their overall compliance rate down below 50 percent.

My home State of Vermont has a general speed limit of 50 miles per hour. Only 371 miles of Vermont's 12,000-mile network are posted at 55 miles per hour. All monitoring for compliance with the national speed limit is conducted on four highways in Vermont. All segments of highway posted at 55 miles per hour in Vermont meet Federal interstate specifications, and are the best maintained and safest in the State. States with general speed limits below the national maximum must do all monitoring on highways built for high-speed travel.

Anyone who has driven in the Northeast knows that the speeds on Vermont's interstates are the same or less than others in the region. Vermonters are frustrated that we are being singled out for punishment, not because we are lax in enforcing the 55-mile-per-hour law, but because of a quirk in the compliance formula.

States with general speed limits below the national maximum are placed in a ridiculous catch-22 situation. They can increase the general speed limit in order to include undivided highways in the compliance sample. However, this would come at the expense of fuel consumption and safety and be contrary to the intent of the maximum speed limit law. Or they can keep the general speed limit below 55-mile-per-hour, conserve fuel and improve safety, but risk losing Federal highway aid. Either way, safety conscious States are the losers.

My legislation would remedy this situation without hampering Federal efforts to ensure compliance with the maximum speed limit. It would allow States which have a general speed limit less than the national maximum to monitor, for purposes of compliance with the national 55-mile-per-hour speed limit, Federal-aid primary highways posted at less than 55-mile-per-hour. This legislation would reward, rather than penalize, States like Vermont which go further than the Federal Government in promoting conservation and highway safety.

I urge all Members to support this perfecting legislation which will reinforce the goals of the national minimum speed limit.

CAPTIVE NATIONS WEEK OBSERVED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. LIPINSKI. Mr. Speaker, July 21 marks the beginning of Captive Nations Week, the acknowledgment that tyranny and injustice still pose a pernicious obstacle to democracy. As we were reminded by the very special Fourth of July celebration just past, America is fortunate to enjoy the fruits of liberty, freedom, and justice. But Captive Nations Week is not a celebration of freedom already attained. Rather, it is a time to remember the injustice that continues behind the Iron Curtain each and every day.

My colleagues, one must not be deceived by the passage of time. We must remember that captive nations—such as Armenia, the Ukraine, Albania, Bulgaria, Yugoslavia, Poland, Romania, Czechoslovakia, and Hungary—possessed vibrant, rich, and unique national cultures for hundreds of years before their sovereignty was terminated by the brute force of the Soviet Union. We particularly remember the tiny, but proud Baltic States of Estonia, Latvia, and Lithuania, that were invaded and occupied by Stalin's oppressive regime. Their forced incorporation into the Soviet empire stands as a grim reminder that democracy and freedom must always be zealously guarded.

These and other captive nations did not freely choose to be Soviet-dominated. They did not freely choose to alter their chosen paths of social, political, and economic development. They did not freely choose to imprison their own citizens or to act as a buffer for the Soviet Union. No, their incorporation occurred at the point of the bayonet. Yet, even after 40 years of control by Moscow, we note examples of independence and rebellion that still occur against overwhelming odds.

We remember the blood that was shed, and the many lives that were lost, in the battle to free a nation held captive by tryanny's iron grip. We pay homage to the courage that the Ukrainian Insurgent Army demonstrated when they battled the twin scourges of democracy—Nazi Germany and the Red Army. Though the Ukraine is still held captive, we acknowledge the spirit of freedom that resides in the bosom of the Ukrainian people, and give whole-hearted support for an independent Ukrainian nation.

We remember the poignant stand against Soviet tyranny that the people of Hungary made in 1956. We recall with outrage the sight of Soviet tanks ravaging Budapest solely because the Hungarian people, and their martyred leader, Imre Nagy, sought a democratic order. The valiant struggle waged against the Red Army was just one example of a long tradition of defiance against tyranny that harks back to the great Hungarian partriot, Lajos Kossuth. Despite brutal suppression, the Hungarian people still maintain a fierce independence that will someday carry them to greater glory, and to a free country.

We remember the ill-fated reforms attempted by the Dubcek government in Czechoslovakia in 1968, and the ensuing invasion of that country by the Red Army. Despite being outgunned by the Red Army, the Czechoslovakian people attempted to throw off the shackles of Soviet imperialism, attesting to the longing for freedom that still exists in Czechoslovakia.

We remember the latest manifestation of discontent expressed against Soviet dominance by the brave peoples of Poland in 1980. The Solidarity Union, and their valiant leader, Lech Walesa, could no longer stomach a government dominated by foreign influence. The price of freedom is always high, and that the Poles were willing to pay it attests to their longing for independence. Their continuing struggle inspires all those who seek freedom.

All people of good will mourn the loss of freedom of action, of independence of spirit, and of hope for a brighter future, that persists by the Soviet yoke that enslaves the countries of Eastern Europe. The Communist grip behind the Iron Curtain is daunting, to be sure. But no amount of force, no amount of repression, no amount of coercion, can keep buried forever the stirrings of patriotism and nationalism that exist behind it. The brutal Soviet suppression of free will acts to feed the hunger for sovereignty that exists in the heart of every patriot, whether Latvian, Lithuanian, or Ukrainian.

We resolve never to rest our condemnation of human rights violations anywhere on the globe. At stake in this century, and in years beyond, is the moral leadership of this planet. Our freedom, and our credibility, as a nation, must not be diminished by any unwillingness to support the freedom of others.

Mr. Speaker, the list of Captive Nations has reached 31 formerly sovereign and independent States. Mr. Speaker, that is 31 too many. We will not allow others to be added to that list of infamy and will work to see the rollback of tyranny from lands that will always remain free in spirit.

MEXICO—A NEIGHBOR IN CRISIS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. UDALL. Mr. Speaker, this is the second in a series of articles that I will be submitting over the course of the next several weeks that will illustrate the current crisis in Mexico.

I feel it is critically important to remember that Mexico is not some distant trouble spot, but rather, our friend and valued neighbor to the South.

Sol W. Sanders, a freelance journalist and author of "Mexico: Chaos on Our Doorstep," has written about the problems Mexican President Miguel de la Madrid, and the ruling Institutional Revolutionary Party [PRI] faced in the recently held elections in Mexico. Mr. Sanders' analysis of the election is that the ruling party was faced with a no-win situation.

Although the counting of ballots is not complete, PRI has claimed victory. The opposition party, the National Action Party [PAN], has charged corruption and vote fraud. Last Sunday, approximately 10,000 supporters of the opposition party, PAN, blocked two bridges connecting Ciudad Juarez, Mexico, and El Paso, TX, to protest the elections won by the ruling party. These actions demonstrate the growing frustration and concern felt on the part of many Mexican citizens.

The article follows:

[From the Wall Street Journal, June 13, 1986]

MEXICAN PRESIDENT FACES NO-WIN SITUATION

(By Sol W. Sanders)

Mexican President Miguel de la Madrid Hurtado, head of the ruling Institutional Revolutionary Party (PRI), has got himself into a damned if he does, damned if he doesn't situation.

The primary source of his problem is next month's elections, particularly the gubernatorial race in Chihuahua, a northern state on the U.S. border with a long tradition of violence.

President de la Madrid swept into office four years ago on the heels of the discredited Jose Lopez Portillo by promising "moral rejuvenation." But after some of the first honest elections in the long history of post-revolutionary Mexico, he backed away when municipalities went to the conservative National Action Party (PAN) and a coalition of left-wing parties led by the Communists.

This year some 13 state governorships are up for grabs. Officially, the PRI has never lost a governorship, by hook or by crook, since it took power in the 1920s. To lose one now, according to the political consensus, would be to invite disaster. Political analysts inside and outside the government warn that the peculiar combination of seduction and intimidation that has permitted the party to govern for half a century is at stake. To allow opposition victories, this reasoning goes, would cause a scramble as even leaders inside the PRI made for the exits.

That, of course, would make for just the kind of new, pluralistic society that many Mexicans now believe the country wants and desperately needs to solve its growing political, social and economic problems. And certainly old-style Mexican politics—some of the regime's philosophers have rationalized rigged elections as simply a "fiesta" to celebrate the 1910-23 revolution—is limping badly.

The combination of ineptitude, corruption, repression and falling oil prices has driven capital from the country. Not only can Mexico not continue to maintain its international credit by paying interest on its $100 billion debt, but new savings are continuing to leave, mostly for the U.S.

New York econometricians continue to calculate what it would take in "new money" to stem the tide, to get Mexico back on a growth track. But the reality is that every dollar lent the present Mexican regime has a rubber band on it—it never leaves New York. No economic fix-its will work until confidence is restored in the future of the country.

And that restoration of confidence requires a political solution, not just some new agreement with the International Monetary Fund, the World Bank, and the New York creditors. With 80 million people, one of the largest industrial plants in Latin America, an elaborate national transportation and communications network, and the "contamination" of the largest free society and market in the world just next door in the U.S., Mexico can no longer effectively operate with its old-style authoritarianism.

All this is going to play a part next month in the state elections in Chihuahua, the home region of Pancho Villa and a bloody battleground of the revolution. A remarkably attractive candidate of the conservatives, Francisco Barrio Terrazas, is the odds-on favorite to win the governorship.

Mr. Barrio was formerly the Kennedyesque mayor of Juarez, the fourth-largest city in Mexico, just across the Rio Grande from El Paso, Texas. He has made a speciality of cultivating the poor and the business community, and he boasts of his Roman Catholicism in a state where much of the population is still loyal to the church despite the anticlerical traditions of the ruling party. (The Mexican bishops have been beating the drums for a fair vote count, and several are openly siding with Mr. Barrio.)

If Mr. Barrio wins and the PRI denies him the statehouse, there could be violence. It would in any case not contribute toward that new political consensus that Mr. de la Madrid needs to get on with resolving the crisis. If Mr. Barrio loses, fair and square, almost no one will believe it. And if he wins and President de la Madrid lets him take office, it will go a long way to dynamite the PRI nationally, perhaps encouraging the swelling opposition. (President de la Madrid got a taste of the popular mood when he was jeered at the opening of the World Cup soccer games earlier this month.)

With the Mexican crisis now getting attention in the U.S. and world media, the Chihuahua election isn't going to be a minor event in a backwater. It could decide the next phase in what is now being seen as Washington's Mexico crisis.

PROBLEMS REMAIN IN EL SALVADOR

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. GARCIA. Mr. Speaker, while our attention has been focused elsewhere in Central America for the past few months, the situation in El Salvador remains murky. I say this with all due respect and support for the government of President Duarte, whom I believe still deserves our support.

This does not mean that we can turn a blind eye toward abuses in El Salvador, whether or not those abuses are the result of actions taken by the present Salvadoran Government. We must remain firm in our commitment to the protection of human rights in El Salvador and elsewhere.

I am submitting for the RECORD a letter which details some of the problems that still exist in El Salvador. It was written by Jim McGovern, a legislative assistant for Representative JOE MOAKLEY. JOE and his capable staff have been hard at work making certain that El Salvador is not forgotten, and that despite the fact that there has been progress regarding the democratic process in El Salvador, there are still human rights abuses. We do a disservice to President Duarte and our friends in El Salvador if we don't help them fight these abuses.

I encourage my colleagues to take a moment to read Jim McGovern's excellent letter:

[From the Washington Post, July 12, 1986]

IN EL SALVADOR, THE ATROCITIES GO ON

David Passage, the deputy chief of mission at the U.S. Embassy in San Salvador, would have us believe that El Salvador's disappearance from the front pages of our nation's newspapers "is testament * * * to the changed situation in El Salvador" ["El Salvador: Why Distort the Reality?" Free for All, July 5]. Having recently returned from an 11-day visit to El Salvador, I cannot account for the lack of press coverage on that war-torn country. Perhaps events in Nicaragua, Libya and the Philippines have temporarily taken priority. But one thing is certain: it is not because the situation in El Salvador has calmed.

Despite what Passage implies, many thousands of Salvadorans continue to be plagued by the effects of the war—including death-squad killings, disappearances, forced government relocation of the population and bombing by government forces. Though, as the U.S. Embassy quickly points out, the number of political killings by the government has decreased, it is still at an unacceptably high rate. In 1985 alone, according to the human rights office of the Roman Catholic Archdiocese of San Salvador, there were some 1,913 civilian victims of killings and disappearances: 1,740 at the hands of armed forces and death squads and 173 at the hands of guerrillas. This level of political violence, in a country the size of Massachusetts, can hardly be characterized as an improvement in human rights.

During my brief stay in El Salvador, at least 10 human rights workers were abducted by security forces—including a woman who was picked up less than one hour after I met her. She, along with many of her colleagues, was detained for several days incommunicado (in accordance with Salvadoran law) and was tortured. Remember, too, that these human rights workers cannot turn to the protection of due process; a judicial system does not currently exist in El Salvador.

I am puzzled by Passage's efforts to excuse and condone the ongoing atrocities of the Salvadoran government. As the recent Americas Watch report on El Salvador states, "There are few places elsewhere in the world where some 1,900 political killings and disappearances in a year * * * would be considered routine." Violence should never be deemed routine—a lesson yet to be learned by certain embassy personnel in San Salvador.

People who visit El Salvador and criticize the Salvadoran government and U.S. tolerance of the current situation are not trying to advance some sort of leftist "political agenda," as Passage would have readers believe. It is not leftist or somehow anti-United States to express outrage over denials of human rights.

To suggest, as does Passage, that conditions in El Salvador have reached an acceptable level is, in my opinion, a distortion of the truth.

WESTPHALIA CELEBRATES SESQUICENTENNIAL

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. SCHUETTE. Mr. Speaker, this year marks the sesquicentennial of the town of Westphalia. Westphalia is not large in size, having just 900 residents. But it is large in spirit. The history of Westphalia in many ways reflect the history of America; it is only fitting that it will be celebrating its sesquicentennial year on July 4.

Westphalia was settled in 1836 by six pioneers who had come to America from Germany. These brave pioneers left their homeland in Europe for this new world of hope and promise. The spirit shown by the founders of Westphalia is the same spirit which carved from the wilderness our great Nation, a land of peace and prosperity. One of these six pioneers was a Catholic priest, and the church he founded, St. Mary's Parish, will also be celebrating its sesquicentennial. In this, again, the story of Westphalia reflects the story of all America—both were founded on a brave pioneer spirit coupled with a humble trust in God.

Mr. Speaker, my fellow colleagues, I am happy to recognize the town of Westphalia on its sesquicentennial year, and I commend its citizens for their proud heritage and spirit—it is the same spirit which made our Nation great.

KILDEE PAYS TRIBUTE TO SGT. CHARLIE WESTON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. KILDEE. Mr. Speaker, today I rise to bring to the attention of my colleagues and the Nation the selection of Sgt. Charlie Weston of Flint, MI, as the city of Flint Police Department's "Officer of the Year." He is one of many local heroes of this Nation that epitomize the characteristics of true heroism.

Sergeant Weston has demonstrated his unwavering dedication to duty time and time again. His many noteworthy accomplishments arise from an unshaken commitment to service and a deep concern for his community. Sergeant Weston's willingness to give of himself has earned him the respect of his superiors, fellow officers, and members of his community. The citizens of Flint are extremely proud to have a law enforcement officer of Sergeant Weston's caliber serving in the ranks of their police department.

An example of Sergeant Weston's service to his community is cited in the following police report:

On October 29, 1985, at 12:30 p.m., Special Operations Sergeant Jerome Koger and Officer Charlie Weston conducted a surveillance of four suspects involved in an armed robbery. The suspects fled in a vehicle with Sgt. Koger and Officer Weston pursuing separately. One suspect fired through the passenger window at Sgt. Koger, striking his vehicle and forcing him to take evasive action while the suspect vehicle slowed to allow one suspect to jump out and and flee on foot. At this point, Officer Weston fired the last shot in his revolver while the vehicle took off again. With Officer Weston in pursuit, one suspect began firing at him with a handgun while another came up through the sunroof and fired at him with a sawed-off shotgun. The pursuit ended when the suspects' vehicle lost control rounding a corner and jumped a curb. Officer Weston slid to a stop and covered the vehicle as the suspects began existing. One suspect appeared to be surrendering while a second suspect fled the scene. A third suspect took cover behind the car and began firing at Officer Weston, striking him in the shoulder. That suspect also fled, while Officer Weston, although wounded, apprehended one suspect at the car. After pursuing the fleeing supsects unsuccessfully, Sgt. Koger returned to assist his partner and call for additional help. Numerous other units and officers responded to the call and, upon arrival, found Officer Charlie Weston sitting on the suspect he arrested, calmly reloading his revolver. An intense air and ground search by officers from several Michigan police departments resulted in the arrest of all suspects, who are now awaiting trial.

Mr. Speaker, Sgt. Charlie Weston has continually served above and beyond the call of duty. His herioc actions certainly warrant his selection as Officer of the Year and is one of the many deeds that have led him to a promotion to his current rank of sergeant. His willingness to lay down his own life in the line of duty is in keeping with the highest standards and traditions of law enforcement, and reflects great credit upon himself and the city of Flint Police Department. It is truly a great honor for me to pay tribute to such a courageous public servant.

WHAT TO DO ABOUT MEXICO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. RICHARDSON. Mr. Speaker, I include this outstanding piece on United States-Mexico relations by Susan Kaufman Purcell at this point in RECORD:

[From the New York Times, July 1, 1986]

WHAT TO DO ABOUT MEXICO—SUPPORT FAIR ELECTIONS

(By Susan Kaufman Purcell)

Now that things are going well for Mexico, economically and otherwise, many Americans who worry about the repercussions for the United States have begun to complain about the way Mexicans run their own affairs. Among other things, such Americans are upset by electoral fraud and corruption and would like to weaken the governing Institutionalized Revolutionary Party, or PRI. This would be a mistake. We should support democratic principles and fair elections in Mexico but should steer clear of efforts to influence the outcome.

As long as the Mexican system could deliver economic growth and political stability, Americans were willing to overlook its shortcomings. Since the onset of the debt crisis in August 1982, however, sustained economic growth has proved elusive—and its

absence threatens Mexico's political stability. Without resources to paper over the vast inequities that exist in Mexico, political leaders will find it increasingly difficult to handle rising social tensions.

The obvious solution is to revive the economy, and the sooner the better. United States cooperation in reducing Mexico's debt burden would undoubtedly help: currently, half of Mexico's export earnings are being used to service its nearly $100 billion debt.

Yet, Mexico's debt crisis was a result, not a cause, of the country's difficulties. This is now recognized in Mexico, where there is a growing consensus on the need to make important structural changes in the economy. These include reducing the state's involvement through privatization and making both the public and private sectors more efficient and competitive by phasing out excessive protectionism and subsidies. Mexicans are also reconsidering their ambivalence about direct foreign investment.

Many Mexicans believe that this economic liberalization can be implemented under the political status quo. Others assert that Government control over the economy cannot be loosened without political reform—specifically, the democratization of the essentially one-party system under which the PRI has ruled Mexico for more than five decades. Their argument is lending new force and urgency to longstanding Mexican demands for democratization, at a time when the governing party is losing support among urban middle-class voters.

Mexico's main opposition party, the PAN, or National Action Party, is benefiting. Its platform—it calls for a stronger private sector, an end to corruption and electoral fraud as well as closer ties with America—has traditionally appealed to a minority of urban voters in northern Mexico who resented Mexico City's control and admired their northern neighbor.

PAN won a number of important mayoralty elections in 1983 and would probably have won the governorship of the state of Sonora last July had the PRI not resorted to blatant vote fraud. Many observers believe that the PAN candidate for governor of the state of Chihuahua could win the election scheduled for July 6 if the Government allowed an honest vote count.

The Government may not do so. It seems to fear that an opposition victory in Chihuahua would be the beginning of the end of PRI's dominance and, by extension, of the political stability that has been associated with its rule. Rather than risk the unknown, the Government seems to prefer maintaining the status quo, even if this involves resorting to electoral fraud.

But fraud might ultimately damage the PRI more than a PAN victory would. It would further weaken the PRI's legitimacy within Mexico and undermine international confidence precisely when it is most needed. Paradoxically, a PAN victory might just strenghten the PRI, increasing its legitimacy and attracting alienated Mexicans into the political process.

This is not an argument for United States intervention in Mexican politics. American efforts to favor one party over another would only reinforce anti-Americanism and lead Mexico down a path that would be bad for both the United States and Mexico. In contrast, American support for honest elections, irrespective of who won, would help Mexicans insure that their interests were better reflected by their leaders.

COASTAL WETLANDS RECOVERY ACT

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. BREAUX. Mr. Speaker, as my fellow Members know, I have come before this body often with legislation designed to conserve and protect our Nation's wetlands. These areas—marshes, bogs, bottomland, hardwood swamps, and similar areas—areas that we once viewed as wastelands, are some of our most valuable lands. They are valuable for more than their aesthetic qualities—although there is perhaps nothing more beautiful than a Louisiana marsh at dawn with a couple of mallards coming in to the decoys. They are valuable because they provide our Nation with incalculable economic benefits. The litany of benefits is not new to many Members, but it bears repeating. Almost all of the species important for commercial fishing spend some portion of their life cycles in wetlands or in estuaries.

Our recreational fisheries, in which more than 50 million Americans participate and which generate billions of dollars for our economy, are dependent on wetlands as well. Wetlands play an important role in flood control, by absorbing floodpeaks and releasing water slowly. Along our coasts, they absorb the storm surges of hurricanes and tropical storms, protecting inhabited areas. They also provide for recharge of ground water aquifers, and act as natural filters to protect water quality. Finally, wetlands are habitat for many species of wildlife, including economically important furbearers and many species of waterfowl important to hunters and naturalists. Scientists estimate that the value of the many environmental and commercial features of wetlands could exceed $40,000 per acre.

Our efforts to protect wetlands have been significant. Through the Duck Stamp Program, established in 1935, hunters have paid more than $200 million for the purchase of more than 3 million acres of wetlands. In the water resources legislation now being considered by Congress, I sponsored a provision to protect the Atchafalaya Basin, a river swamp that is one of this Nation's greatest natural areas. In the same legislation, I have sponsored an amendment authorizing the Corps of Engineers to create, protect, and enhance wetlands in conjunction with flood control projects in the lower Mississippi River Valley.

In the 98th Congress, I introduced legislation to provide tax incentives for wetland conservation, a concept I believe deserves further consideration. Along with a number of other Members of Congress, I have introduced legislation to expand the wetland acquisition program. Congress has also enacted a reglatory program under section 404 of the Clean Water Act to restrict dredging and filling in wetlands. Finally, in last year's farm bill, we attacked the problem of the loss of wetlands by restricting agricultural programs on wetland areas cleared for agricultural purposes.

While programs to protect wetlands have had results, they have not done enough to protect coastal wetlands. These wetlands, among the most biologically productive ecosystems on Earth, not only suffer all of the damages inflicted on inland wetlands, they are also subject to erosion, saltwater intrusion and the gradual rise of the sea level.

The situation in my home State of Louisiana is particularly dramatic. We are losing approximately 55 square miles of coastal wetlands each year. Scientists have estimated that, if the situation is not addressed, Plaquemines Parish, an area with a population of more than 26,000, will disappear in the next 50 years. In fact, a report issued by a group of Louisiana's coastal scientists predicts: "If current trends continue, the ecosystem, that supports the Nation's oldest bilingual culture, as well as 25 percent of the Nation's fishing industry, will be destroyed in the next century."

Although the worst problem occurs in Louisiana, other areas are being hit hard as well. By the year 2000, Connecticut is expected to lose 86 percent of its wetlands. San Francisco Bay has lost 75 percent of its marshes and Tampa Bay has lost 88 percent of its seagrasses and 46 percent of its mangroves.

It would be easy to say that these are local problems, but addressed by the States. But the fact is that federal actions have often been a major cause of the problems and the resources lost are national if not international in scope. In Louisiana's case, scientists tell us that the channelization of the Mississippi River is one of the major causes of the erosion of our coastal wetlands. Coastal marshes are dynamic ecosystems, continually being replenished by sediment brought by spring floods and eroded by the waters of the sea. By taming the river, we have deprived the coastal marshes of the sediment needed to keep the system in balance. The channelization of the river not only provided benefits to New Orleans and Baton Rouge, but also to Cairo, IL, St. Louis, MO; and all of the millions of people who live in the 41 percent of the country that is drained by the Mississippi River.

The erosion problem has been exacerbated by the energy exploration and development which is so vital to our national security. Canals dug through the marshes for oil wells, pipelines, and support services have not only destroyed coastal wetlands, they have allowed saltwater into marsh areas, killing the vegetation that literally holds the land together. The result has been an acceleration of the natural erosion processes.

The scope of the problem demands that we muster all of our resources to develop solutions. There are some, I am sure, who will say that we need to further study the problem before we act. They will say we need a blue-ribbon panel of experts to make new pronouncements on the problem. But this ignores the facts—studies have been ongoing for at least a decade and we have already learned much about coastal wetland loss. While much remains to be learned, I say that we don't have the time to simply continue to study but not act on the basis of our current knowledge. Wetland studies continue within EPA, the Departments of Commerce, Agriculture, and the Interior, and in major universities around the Nation. The normal planning period for a Corps of Engineers project is 17 years; 17 years. At the current rate of loss, Louisiana

will lose 935 square miles of wetlands in 17 years, an area almost the size of the entire State of Rhode Island.

In most cases, and particularly in Louisiana, we know what the problems are. The Subcommittee on Fisheries and Wildlife Conservation and the Environment, which I chair, has held hearings on wetlands loss, and we know some of the things we can do to address the problems. We can divert more freshwater and sediment into the marshes to build wetlands. We can provide sand to nourish barrier beaches and plant vegetation to help hold the land together. We can plug canals, put in water control structures and undertake other activities to restore these important areas. We just have to start.

That is why I am today introducing legislation to conserve the coastal wetlands of the United States. My legislation would put the Corps of Engineers into the business of restoring our Nation's wetlands. Under the legislation, the Secretary of the Army, working with the States, would identify coastal wetland systems which have particular value as fish and wildlife habitat or for purposes of flood or pollution control and which are threatened with erosion or other degradation. Within 2½ years of the passage of the legislation, the Secretary of the Army would develop action plans for the Nation's 10 most threatened wetland systems. Plans for all threatened coastal wetlands would be required in 5½ years.

In developing these plans, the Secretary would work with other Federal agencies that have expertise in wetlands, such as the Fish and Wildlife Service, the Environmental Protection Agency, the National Marine Fisheries Service, and with State coastal agencies. The plans would be required to include projects recommended by the State unless the Secretary determined that the projects were not technically feasible. Once the plans were completed, projects included in the plan would be funded on a cost-sharing basis, with the Federal Government paying 75 percent of the costs and non-Federal interests paying 25 percent. During the period when the plans are being developed, the legislation authorizes emergency actions to protect coastal wetlands.

The price for protection of our wetlands will not be cheap. My legislation authorizes up to $30 million each year to carry out any completed plan. This is not an unreasonable figure when you consider what is at stake. Besides the economic loss of fisheries, fur bearing animals and waterfowl, we are in danger of losing much more. In Louisiana, and in other areas as well, wetlands serve as protection against hurricanes. The storm surges that hit the coastal areas lose their strength over the miles of marsh before reaching heavily populated areas. Without wetlands, the city of New Orleans, with more than 600,000 people, faces a very real peril. Other populated areas would be similarly threatened with loss of life and devastating economic impacts.

Mr. Speaker, we have learned, at a very late hour, that coastal wetlands serve us in many ways. We need action to protect them as soon as possible. I hope other Members will join me in sponsoring this legislation and gaining its quick approval by Congress.

THE BEST LITTLE WAR MONEY CAN BUY

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. BROOKS. Mr. Speaker, Art Buchwald's article in today's Washington Post is, I believe, one which deserves the attention of my fellow Members. Although Mr. Buchwald may have meant it to be humorous, I believe it's deadly serious and points out tremendous dangers for the American people.

The text of the article follows:

THE BEST LITTLE WAR MONEY CAN BUY

(By Art Buchwald)

Now that it looks as if the contras are going to get their U.S. military aid, the question is what kind of war can you buy for $100 million? No matter what the White House says, you don't get much of a bang for that.

"It used to be," said Desmond, a broker who underwrites small wars, "that you could keep a police action going for 12 months on $100 million. Now, if there is any shooting at all you can use it up in two."

"Where does it go?"

"If you're sending the money to any place in Central America, you have to pay 'transit' fees. Some money goes to the commanding officer of an adjoining country, some to customs officials for their children's education, and it is only fair that we donate funds to leaders of the freedom fighters for their relatives in Miami. Once that money has been dispensed, we can then deal with supplies for the troops."

"How much for the officials and how much for the troops?"

"If we can keep 50 percent of it for the fighters, we're very happy. But it is not for us to say to those below the border how much it takes to fight communists. The United States is willing to supply the people in the field with antiaircraft weapons, guns, rockets and other military equipment so they can go into Nicaragua and give the Marxists a thrashing they will never foret."

"Can we expect the contras to take over the Sandinista government?"

"Not on a lousy $100 million. That is what we in the war business call ante money. It makes Congress stay in the game to see the first card that is dealt out. The importance of the $100 million is not the size as much as the commitment that the U.S. has made. Let's say it's Ronald Reagan's Gulf of Tonkin resolution."

"So what happens after the first $100 million is turned over to the contras?"

"We wait and see. If they're winning big, the president will go back to Congress and ask for the money to finish the job. If the contra are doing badly, the president will ask Congress to vote additional money so they won't lose the war."

"Then in both cases Congress will be asked to vote money for the contra war."

"Is Castro Cuban?"

"Who came up with the $100 million figure?"

"A think tank at Georgetown. The president didn't want to buy a big war, and at the same time he was afraid he would be accused of not wanting any war at all. So the Georgetown people arrived at the $100 million figure on the assumption that the president could always get more later on. When you're buying a war the first $100 million is the toughest, because you really don't know how it is going to cost out. That's why anyone who thinks the $100 million is the bottom line should get a job baking fruitcakes."

"Will Congress have to give more money to the freedom fighters?"

"I'm afraid so. It may be a dirty little war from where we sit in Washington, but, at the same time, it is the only dirty little war we've got."

KAISA RANDPERE'S THIRD BIRTHDAY

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. LOWRY of Washington. Mr. Speaker, the Fourth of July holiday gave us an opportunity to reflect on our national heritage of liberty. The rededication of the Statue of Liberty offered a reminder that the ideal of freedom inspires people in every nation.

Another anniversary took place just 3 days earlier. July 1 was Kaisa Randpere's third birthday. Kaisa is a little Estonian girl whose parents left the Soviet Union in 1984. At that time, they were forced to leave her behind in her grandmother's care.

Since that time, the Soviet authorities have repeatedly refused to give Kaisa an exit visa. Their refusal clearly violates the commitment undertaken by signatories of the Helsinki Final Act, to "deal in a positive and humanitarian spirit" with family reunification cases and to give special attention to requests of an urgent nature.

The Committee to Free Kaisa Randpere has done an outstanding job of drawing attention to Kaisa's plight. Many Members of Congress have also helped out. For example, Senator BILL ARMSTRONG and I asked Ambassador Michael Novak to bring up this case at the recent human rights meeting in Berne, Switzerland—one of the ongoing series of meetings that are part of the process initiated at Helsinki. Some 90 of our colleagues joined in this effort. It was very gratifying to learn that Ambassador Novak did make special mention of Kaisa at that meeting.

As part of its ongoing activities, the Committee to Free Kaisa Randpere held a vigil near the Soviet Embassy on July 9. Participants and passersby signed a large birthday card, and humanitarian appeals on her behalf were presented to Embassy officials. Our colleagues LAWRENCE COUGHLIN, DON RITTER, and WILLIAM CARNEY sent greetings to the participants in this vigil. Here is my own message of greetings to the July 9 gathering:

To The Friends of Kaisa Randpere: Thank you for coming here to support freedom for Kaisa Randpere, who is kept apart from her parents because Soviet officials refuse to grant her an exist visa.

We have just celebrated the Fourth of July holiday, the day when our nation rededicates itself to the cause of liberty. Your presence here today is wholly in keeping with the spirit of that day. After all, what does liberty mean if it does not mean that families can be together? And what cause is

more important than trying to reunite a child with her parents?

I met with Mr. and Mrs. Randpere when they visited Washington, DC a few months ago. It was heartbreaking to see these fine people and to know that they cannot be with their daughter as she grows up. We must keep up the pressure to right this wrong.

Kaisa is now three years old. I pledge that I will do everything in my power to see that she is reunited with her parents before another year passes.

DECLARATION OF INDEPENDENCE FROM NUCLEAR TYRANNY

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. ATKINS. Mr. Speaker, I rise today in full support of the simultaneous reading of the "Declaration of Independence from Nuclear Tyranny" that took place on July 3, 1986, on the steps of the 50 State capitol buildings.

The battle against tyranny in Government received strong support from Massachusetts in the 1700's and I am proud to see that the battle against the ultimate tyranny, that of nuclear weapons, is receiving similar support today. Therefore, on behalf of my constituents Kathy Brough and Ann Eno I insert into the RECORD the text of the "Declaration of Independence from Nuclear Tyranny".

DECLARATION OF INDEPENDENCE FROM NUCLEAR TYRANNY

When in the Course of human events, it becomes necessary for our people to resist the forces that imperil ourselves and the Life of Earth itself, it is imperative for us to declare the causes that threaten us.

We hold these truths to be self-evident that whenever a Government pursues a path toward destruction, it is the unalienable Right of the People to institute new policies in order to ensure Life, Liberty and the pursuit of Happiness.

When a succession of abuses manifests a design to hold humanity Hostage to the menace of nuclear death and desolation, it is the Duty of the People to cast off such Tyranny . . . this is the need which confronts us now.

We have suffered too long the dissipation of our resources through the production of nuclear armaments in the name of defense when their use could only destroy us.

We have been ignored too long in our pleas—that this civilized nation employ its full talents to foster not war but peace among all Peoples of the World.

We have submitted too long in our pleas—that this civilized nation employ its full talents to foster not war but Peace among all Peoples of the World.

We have submitted too long to the perfidy of Heads of Government who, in defiance of the Will of the Majority of the People, have scorned and rejected all efforts to Halt the Nuclear Arms Race.

We, therefore, the People of the United States of America, do solemnly publish and declare that we must be Free and Independent of the Terror imposed upon us by the threat of nuclear Holocaust.

We affirm that we shall never cease in our Commitment to rid the Earth of the Tyranny of nuclear weapons.

And for the support of this Declaration, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

WILLIAM A. WHEELER, OUTSTANDING INDIVIDUAL

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. MRAZEK. Mr. Speaker, I rise to pay tribute to an outstanding individual, William A. Wheeler, who is retiring as the director of the Suffolk County Veterans' Service Agency on July 25, 1986. For over 40 years, Bill has been actively involved in veterans' issues on Long Island. It is my pleasure to call his many fine accomplishments to the attention of my colleagues in the U.S. House of Representatives.

After serving our country honorably in the European theater in World War II, Bill returned home in early 1946 and immediately joined the Southold American Legion Post 803. A few years later, Bill transferred to the Babylon American Legion Post 94, where he has served with distinction for the last 35 years.

Bill served as post commander in 1956 and a Suffolk County commander in 1963. In July 1969, Bill became 10th district commander and in July 1976, was elected New York department vice chairman. Bill intends to remain active in the American Legion after his retirement.

On August 4, 1966, Bill became a counselor for the New York State Division of Veterans' Affairs. From there he moved on to become veterans' service officer with the Suffolk County Veterans' Service Agency. On August 25, 1975, then Suffolk County Executive John V.N. Klein appointed Bill director of the Suffolk County Veterans' Service Agency.

Mr. Speaker, I ask my colleagues to join with me, the people of the Third Congressional District and the people of Suffolk County in congratulating and thanking William Wheeler for his years of service to the veterans of Suffolk County and New York State. His service is an example of the wonderful contributions made to our society by many of our veterans.

MONROE COUNTY'S 150TH BIRTHDAY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. RITTER. Mr. Speaker, I would like to call your attention to a very special celebration now being held in my district. The people of Monroe County, PA, are at this moment engaged in their sesquicentennial celebration. Monroe County was chartered on April 1, 1836, by an act of the Commonwealth of Pennsylvania's Congress "Erecting part of Northampton and Pike Counties into a separate county to be called Monroe."

Since that time, the people of Monroe County have experienced growth and improvement centering around industries such as metal products, electrical machinery, furniture, textiles and, of course, tourism. In recent years, despite a disastrous flood in 1955, service industries have expanded and contributed to the improvement of the economy.

This week will be celebrated by a wide variety of events emphasizing county togetherness and fun. Some of these include historic church tours, concerts, open houses, block parties, a grand ball, and a gala parade.

As the congressional representative of the West End, a group of six townships, including Chestnut Hill, Eldred, Hamilton, Polk, Ross, and Tunkhannock, I am proud to bring their distincitive achievement to your attention, Mr. Speaker, and I hope that all Members of this body will join me in saluting the people of Monroe County, PA, on this, their sesquicentennial birthday.

RONALD REAGAN IS BRINGING AMERICA BACK—BUT HOW FAR?

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. FORTNEY. Mr. Speaker, last week the Reagan administration notified State governments that they no longer can receive civil defense funds for natural disaster planning unless they also prepare for nuclear war. Echoing from that announcement was a Reagan campaign theme: "Bringing America Back." Ronald Reagan is indeed bringing America back. The questions are, "How far back," and "to what?"

The civil defense announcement is bringing us back to the hysterical days of the 1950's. You remember them. We built bomb shelters in our back yards, stored meager provisions in our basements and instructed our schoolchildren to hide under their desks in the event of a thermonuclear war.

The President's words remind us of Elvis and sock hops and family togetherness. Good times. His actions recall John Foster Dulles and the hard and bitter peace of the cold war. Not such good times.

President Reagan's version of defense policy also brings us back to the past. He would have us expend great effort and money on a fantasy called star wars that he believes would protect us from a Russian attack. Remember the debate in the 1960's over a similar ABM system? We argued about it for years, spent a lot of money and eventually deployed a limited system that we closed right after we opened it.

The legacy from the Sentinel and Safeguard systems was MIRV'd missiles that have vastly multiplied the threat of nuclear annihilation. The legacy from star wars could be the abandonment of every arms control treaty with the Russians and the most dangerous, costly round in the arms race yet.

Mr. Speaker, nostalgia is not a bad thing. It is fun and comforting to recall the happy times in the past. But we must remember our mistakes, too, and learn from them. As the old saying goes, "those who cannot remember the past are condemned to repeat it." Mr. Reagan has a very selective memory. But if

he refuses to learn the lessons of history, we will all be worse off for it.

PERSONAL EXPLANATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. LELAND. Mr. Speaker, I was unavoidably detained in my congressional district on July 15, 1986, Tuesday. I requested that I be paired with my colleague HOWARD WOLPE on the amendments and final passage of H.R. 4510, Export-Import Bank amendments.

H.R. 5154—FEDERAL AVIATION ACT OF 1958

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. ACKERMAN. Mr. Speaker, yesterday I introduced H.R. 5154, legislation to amend the Federal Aviation Act of 1958, to ensure that airlines do not discriminate against handicapped persons in providing air transportation. This bill is made necessary by the recent Supreme Court ruling that major airlines cannot be forced to comply with a civil rights law that prohibits discrimination against the handicapped, because they do not receive direct Federal assistance.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against handicapped persons, solely on the basis of their handicap, in any program or activity receiving Federal financial assistance. Handicapped rights groups brought suit against the Federal Government for failing to enforce the statute in connection with the operation of commercial airlines. The plaintiffs contend that the 1973 antidiscrimination law applies to airlines because they benefit from the nationwide air traffic control system the Government operates, and because the Government provides financial assistance to airport operators through grants from a trust fund created by the Airport and Airway Development Act of 1970.

In 1985, a U.S. Circuit Court of Appeals agreed with the plaintiffs, and ruled that the law applies to airlines because they benefit from the air traffic control system. Sadly, the Supreme Court has now overturned that decision, reaffirming the higher Court's controversial 1984 ruling in Grove College versus Bell, which limited the scope of four major civil rights laws to those programs or activities that receive Federal assistance. This is a shameful retreat in our national effort to combat discrimination in this country and cannot be tolerated.

The legislation which I introduced will amend the Federal Aviation Act to provide reasonable protection against discrimination for handicapped individuals. The measure requires that in providing service, equipment, and facilities in connection with interstate and overseas air transportation, an air carrier:

First, may not unjustly discriminate against a handicapped person because of that person's handicap;

Second, shall provide services to handicapped persons that are the same as services provided to persons who are not handicapped;

Third, shall provide equipment to handicapped persons adequate to enable such persons to use the sevices, equipment and facilities of the air carrier; and

Fourth, may not impose unreasonable restrictions on the use, or storage on board an aircraft, of any equipment needed by a handicapped person to use the services, equipment, and facilities of the air carrier.

In addition, the bill provides an important recourse feature, previously unavailable, that allows any person who suffers as a result of a violation of these provisions to bring a civil action in the district court of the United States for legal or equitable relief.

Supreme Court Justice Marshall, in a dissenting opinion joined by Justices Brennan and Blackmun, said, "Commercial airlines * * * act as gatekeepers controlling who shall enjoy, and under what conditions, important benefits under federally funded and conducted programs." I urge my colleagues to join me in prohibiting airlines from discriminating against handicapped persons by cosponsoring this important legislation.

CONGRESSIONAL SALUTE TO HON. ALEXIS DOLINOFF OF NEW JERSEY, ESTEEMED CHIEF OF THE ERSKINE LAKES FIRE CO.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. ROE. Mr. Speaker, on Saturday, July 19, the residents of the Borough of Ringwood, County of Passaic, and State of New Jersey will join together in testimony to the outstanding public service rendered to our community, State, and Nation by one of our most distinguished public safety officers and good friend—the Honorable Alexis Dolinoff, esteemed chief of the Erskine Lakes Fire Co. of Ringwood, NJ.

Chief Dolinoff has indeed earned the highest respect and esteem of all of us for the quality of his leadership and highest standards of excellence in seeking to achieve optimum public safety for all of our people. He has served the Borough of Ringwood in many capacities, as special policeman, crossing guard, and as a founding member of the Erskine Lake Volunteer Fire Department.

Mr. Speaker, the Erskine Lakes Volunteer Fire Department was incorporated in the State of New Jersey in 1946. It was started by a few men who researched the requirements of a fire department. Their first piece of equipment was purchased secondhand and stored in someone's garage. In 1949 the original building was dedicated and a 500-gallon tanker was purchased to bring a much-needed water supply to the firemen. In the ensuing years both the building and equipment have been updated and improved to meet the needs of a rapidly growing community and through all these changes Alexis Dolinoff has remained a constant presence. He has been an active fireman for all of Erskine Lakes 40-year history. He has served as lieutenant, captain, assistant chief, and on August 18, 1965, was sworn in as chief. It is especially significant to note that the Erskine Lakes Fire Co. has chosen as the highlight of its four-decade history celebration to honor Alexis Dolinoff.

Alexis Dolinoff was born in 1900 near St. Petersburg in Russia. A descendant of a Knight of the Crusades, his full name is actually Alekseivitch Dolinoff de Wells, the English suffix having been added by Richard the Lion-Hearted in recognition of the services of his distinguished ancestor. His family escaped Russia after the revolution and settled in London. A friend's advice to take ballet lessons to strengthen an injured knee led to perhaps the most notable of Alex's 36 money-earning skills from barber to racecar driver.

In 1924 Alexis auditioned for Anna Pavlova, the highly prestigious Russian classical ballerina (1885–1931), and traveled around the world with her company through 1926. His ability to speak seven languages stood him in good stead on these trips. Before these tours were over Alexis was dancing as premier solosist. Alexis immigrated to the United States in 1935 and helped to found the Philadelphia Ballet Co. and was premier danseur for 5 years with the Metropolitan Opera Association. Alexis Dolinoff has given command performances in front of three kings, one queen, and four presidents and received an honorary doctorate from the Sorbonne.

A search for solitude brought Dolinoff to Ringwood, NJ in 1940. He purchased a log home which he used as a weekend retreat. Six years later he sold the home and purchased a piece of property on Cupsaw Lake in Ringwood where he himself built the house where he currently resides.

Mr. Speaker, throughout his lifetime, Chief Dolinoff has forged ahead with dedication, devotion, and sincerity of purpose in his career pursuits. We applaud his knowledge, training, hard work, and personal commitment that has enabled him to achieve the fullest confidence and strongest support of the people of our community.

Alexis Dolinoff has been a staunch supporter and active participant in many civic and community improvement programs and we are especially appreciative of his leadership endeavors for four decades in the vanguard of our public safety officers.

Mr. Speaker, we are all proud of the dedicated men and women of the public safety corps throughout our country. As we gather together on July 19 in commemoration of the 40th anniversary of the Erskine Lakes Fire Co. in recognition of the vast contribution the firefighting volunteers of our community have made to the quality of life in placing others above self in safeguarding our people and property against the perils of fire, we do indeed salute their esteemed fire chief—with deepest appreciation for his 40 years of outstanding public service to mankind—the Honorable Alexis Dolinoff of New Jersey.

MEMORIAL TRIBUTE TO MILTON McKEVETT TEAGUE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the death of Milton McKevett Teague, a Ventura County leading citizen, a long-time friend, and the brother of the late Congressman Charles Teague.

Milton Teague was the son of Ventura County agricultural pioneer Charles Collins Teague and was born in Santa Paula, CA, where he spent his entire life.

He will long be remembered for his long-time agricultural, business, and civic leadership as well as for being a generous and gentle man who devoted his life to raising citrus fruit on what is considered to be the world's largest citrus ranch. Mr. Teague joined Limoneira Associate after graduation from Stanford University in 1925 with a degree in entomology. He worked first in the company laboratory and later took on the administration of the huge ranch. He served as chairman of the board and was general manager from 1947 until 1967.

During his last year at Stanford University, Milton married the former Alfrida Poco and after graduation brought her to the city of his birth where they established a permanent home and where Alfrida still resides.

Mr. Teague was recognized in Ventura County for more than his agricultural activities. He was well known as well for his work in business, politics, and the community.

Besides chairing the Limoneira board, McKevett Corp. and the Teague-McKevett Co., he was also the president and director of Farmers Irrigation Co., Thermal Belt Mutual Water Co., Middle Road Mutual Water Co., Tapo Oil Co., Insect Control Cooperative, and the Ventura County Fruit Exchange.

He served 25 years on the board of the Security Pacific National Bank. He also served on the Agricultural Council of California and with Sunkist Growers where he was president for 7 years. He was chairman emeritus of the California Orchard Co. in King City, CA.

Although a lifelong Republican, Democratic Governor Edmund G. "Pat" Brown appointed Milton to a 4-year term on the California Constitutional Revision Commission.

Like his father, Milton Teague served as president of the State chamber of commerce, his father being the first from Ventura County to hold this position and Milton being the second. He served three consecutive terms ending in 1966.

The long list of Milton's civic memberships include the United Way, the California Club, Santa Paula Rotary Club, and Saticoy Country Club. He was founding president of the Ventura County Chest which later became the Ventura County United Way.

Milton received many honors during his lifetime and each one was well deserved. He had given his time, talents, and fortune to many worthy causes.

Please join me in expressing sympathy to Alfrida and her family in this loss of a loving husband and father.

A LEAVE FOR PARENTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. EDWARDS of California. Mr. Speaker, increasing public support for some form of parental leave has compelled the Congress to formally, and seriously, address this important family issue. Attention to a sick or newborn child should not put parents at risk of losing a job. Fortunately, the House will soon debate and vote upon H.R. 4300, the Family and Medical Leave Act. I wish to commend my good friend, Congresswoman SCHROEDER, who authored this fine bill, and Chairman CLAY, who has so expertly guided this bill to the floor for consideration.

I am pleased to share with my colleagues an editorial on this subject of national concern which appeared recently in the Sacramento Bee. I am confident that upon weighing the merits of this worthy effort, made compelling by this editorial column, my colleagues will give their overwhelming support to the enactment of H.R. 4300. Anyone truly concerned about the health of American families should support this long overdue legislation.

[From the Sacramento Bee, June 26, 1986]

A LEAVE FOR PARENTS

Neither government nor private business has been quick to react to the flood of women and mothers into the workplace, but this year there is finally a chance of action on at least one issue of concern to young families: job leaves for new parents.

The United States, unlike every other developed nation, makes no provision to protect the jobs and incomes of workers, newly faced with the challenge of parenthood. Although some companies offer paid parental leave, a larger number provide only disability leaves for childbirth or short periods of unpaid maternity leave, and many provide no job-protected leave, and many provide no job-protected leave at all. The result is that too many parents—usually mothers—are forced to make an agonizing choice: either leave their infants at an early age or give up jobs vital to the family's standard of living.

To ease that dilemma, Reps. William L. Clay and Patricia Schroeder are sponsoring legislation to create the first national policy on parental and medical leaves. Their bill, HR 4300, would require all employers with more than 15 employees to offer 18 weeks of unpaid, job-protected leave to new parents. It would also require firms to provide 26 weeks of unpaid medical leave to employees who are the victims of serious illnesses or injuries.

CITY OF DOWNEY ANNOUNCES FUNDRAISING EFFORTS FOR SPACE SHUTTLE MEMORIAL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. ANDERSON. Mr. Speaker, back in the 1960's, Rockwell International Corp. put the city of Downey, CA, on the map with its space station systems and space transportation systems divisions headquartered there. Downey became affectionately known as the Home of Apollo and the great success of this mission over the years gave Downey residents a truly special kinship with the space program.

This is why the city of Downey has announced fundraising efforts to build a memorial in memory of the Space Shuttle *Challenger* crew who perished on January 28.

This memorial is designed by Rockwell and will be located on the grounds of the Downey Civic Center. Plans call for a granite base with a bronze plaque depicting an airborne shuttle, with the names of the astronauts, their mission responsibilities, and the legend: "We will never forget you."

To help make this memorial a truly community project, contributions from individuals are encouraged. Donors will be acknowledged with a speical certificate of remembrance.

Mr. Speaker, I take this opportunity to commend those in the city of Downey and at Rockwell who have undertaken this special endeavor. This memorial will be a fitting tribute to the *Challenger* crew and the city of Downey, its residents and local businesses can take great pride in it.

THE PROBLEM OF VIOLENCE IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1986

Mr. BIAGGI. Mr. Speaker, in my capacity as chairman of the 114-member Ad Hoc Congressional Committee for Irish Affairs I have a deep and abiding interest in the issue of peace and justice for these six counties.

The previous 9 months have been rather significant with respect to the Irish issue. We witnessed the Governments of Great Britain and the Republic of Ireland sign the so-called Anglo-Irish Agreement which provides the Republic of Ireland with a consultative role in the affairs of Northern Ireland. I labeled the agreement as a fragile first step. I contended then and continue to today that much more must be done before we can genuinely move forward in terms of achieving a solution in Northern Ireland.

One of the most pervasive of all problems which stands in the way of progress is the evil of violence. It has been fashionable in recent years to limit "concern" about violence to the celebrated acts of civilian violence and even within that narrow view, a specific focus on civilian violence on the nationalist side. How-

ever since the signing of the Anglo-Irish Agreement there has been a tremendous upsurge in violence both on the civilian and official side. The unionists in northern Ireland have waged an almost constant battle over the accord including some severe violence during various marches last week. Such violence is repugnant as are all incidents of violence.

However and perhaps even more significant to our discussion of violence in Northern Ireland is the problem of official violence. Last week it was announced that two senior officers of the Royal Ulster constabulary, were suspended as part of an investigation that the RUC might have victimized unarmed and innocent catholics as part of their so called "shoot to kill" policies of several years ago aimed at suspected terrorists from the Irish Republican Army.

This investigation has finally focused world attention on the other side of the evil coin of violence in Northern Ireland. The investigation headed until recently by detective John Stalker had uncovered evidence of excesses by the RUC in the implementation of this policy. However in what the New York Times referred to as a "thus far vague disciplinary inquiry" Stalker was removed from his duties.

Concerns about the RUC and their conduct prompted the U.S. State Department to impose a suspension on future shipments of arms and ammunition to the RUC in 1979. This policy remains in effect as of this date and should be continued until such time as the RUC can demonstrate a higher standard of conduct and respect for human rights.

Yet the larger issue involved here relates to the future role of security forces in any political solution which may exist for Northern Ireland. It is vital that equal justice for both communities is practiced by all security forces in Northern Ireland, most especially the one which may be the largest in the province.

Both the House and Senate have passed legislation providing $50 million in economic aid for Northern Ireland. I voted for an earlier authorization bill which passed the House which attached some important conditions governing this aid. Included in these conditions were assurances that it would be used only for economic aid and not security oriented assistance. However equally as important is the requirement that the President must certify each year to Congress that the aid has "increased respect for human rights for all the people of Northern Ireland." The bill adopted by the House and Senate does not include these conditions but once Senate action is completed on the authorization, the conditions would be applicable and they must be in my judgement.

I wish to call to the attention of my colleagues several articles which appeared in the past several days regarding the controversies surrounding the RUC in Northern Ireland. The first comes from the Irish Echo, its July 5 edition, then the New York Times and Washington Post.

[From the Irish Echo, July 5, 1986]

STALKER REPORT: DID BRITS LIE TO DUBLIN?

DUBLIN.—The Irish Government is considering the implications of Britian's about-face on the status of the Stalker report amid claims that it was lied to when told that the report concerning allegations against the RUC (Northern Ireland Police) was a final one.

The government was told that the report submitted by the Deputy Chief Constable of the Greater Manchester area, John Stalker, regarding claims that the RUC was operating a "shoot to kill" policy at the time of the shooting of six unarmed IRA suspects in the North in 1982 was final.

But on June 19, Britian's Northern Ireland Secretary Tom King contacted Irish Foreign Minister Peter Barry to tell him that the earlier information had been incorrect and that Stalker's report was an interim one.

Irish Prime Minister Garret FitzGerald said on July 20 he believed that King and Nicholas Scott, Minister of State at the Northern Ireland Office, had been under a misapprehension about the status of the report.

A government spokesman said they were trying to assess the implications of what they had now been told.

Other sources close to the government said bluntly that the British had told lies about the report.

Stalker has gone on enforced leave while another English police officer has taken charge of the inquiry amid claims that a smear campaign has been launched in order to discredit the Manchester officer's work in Northern Ireland.

Stalker's report, which is said to point a finger at senior RUC officers has been submitted to the Director of Public Prosecution (District Attorney).

Meanwhile the RUC Chief Constable, Sir John Hermon, denied on British television last week that his force had anything to do with the suspension of Stalker.

Hermon said that what he called "media speculation" linking his force to the Stalker suspension was "intolerable and unfair."

On the RTE radio program This Week last Sunday FitzGerald said the important thing now was that the queries of the Director of Public Prosecutions be dealt with and that the DPP should be free to take whatever action was necessary to clear up the matter once and for all.

If these steps were not taken, FitzGerald said it would be very difficult for the minority in Northern Ireland to have confidence in the policing system there. "It is vital that this issue be cleared up," he said.

FitzGerald will meet British Prime Minister Margaret Thatcher on Friday during the EEC summit in The Hague. This will be their first opportunity to assess the workings of the Anglo-Irish agreement since meeting in February at Downing Street.

STALKER SAYS HE IS TOTALLY INNOCENT OF ANY WRONGDOING

MANCHESTER, ENGLAND.—John Stalker, the Deputy Chief Constable of Greater Manchester, who is now on enforced leave of absence and has been replaced as head of the inquiry into allegations of a police "shoot to kill" policy in Northern Ireland, insisted last week that he was totally innocent of any wrongdoing.

At a press conference, he called for a swift conclusion of the examination of the evidence against him—although he has yet to be told of any specific alleged disciplinary offense—and the Greater Manchester Police Authority was asked to let him return to duty immmediately. Stalker also made it clear that he would have liked to carry on his investigation in Northern Ireland.

He said that some items of evidence gathered about him, after four weeks of detailed investigation, were "totally innocuous."

Labor Party members of the Police Authority plan to meet with Colin Sampson, chief constable of West Yorkshire, who is investigating allegations of a disciplinary offense by Stalker. They will ask him whether there are sufficient grounds to keep Stalker from returning to his post.

There have also been moves in the Labor group, meeting in private to seek support for a move at this week's annual meeting of the Police Authority to propose his immediate resumption of duty.

At the same time there will be an attempt to replace Norman Briggs, the Labor chairman of the authority.

There is a strong feeling within the Labor group that Stalker—described by one member as "this reputable officer"—should not have been sent on enforced leave before members of the authority had satisfied themselves that there were strong grounds for action.

After Stalker had spoken in public at the June 25 press conference. His case was also raised by Cecil Franks, Conservative MP for Barrow.

Franks said: "Two sinister aspects seem to be appearing in this matter. The first is the novel concept of guilt by association, which may apply behind the Iron Curtain and in totalitarian states, but certainly has no place in a democracy and in the British legal system.

"The second is the suggestion, which his gaining increasing currency, that Mr. Stalker in his inquiries in Northern Ireland was getting far too close to the truth and had to be stopped. The longer this matter is allowed to continue without conclusion, the great credence will be given to these suggestions.

"At the end of this week, one of two things must happen, if there is prima facia evidence against Mr. Stalker, he must be formally charged and suspended pending an inquiry. Otherwise, he should resume his job as Deputy Chief Constable and also resume his inquiry into Northern Ireland allegations."

Stalker and his lawyers Rodger Pannone and Peter Lakin, made it clear last week that the evidence presented was in their view flimsy.

At a meeting on June 23 Stalker was given a written report and was shown five photographs believed to be taken four years ago at the 50th birthday party of Kevin Taylor, a Manchester businessman who has been a friend of Stalker for many years. Stalker appeared in only one of the photographs.

Taylor disclosed several weeks ago that he has been under police investigation since last August but did not know why. He has also said that he has never been accused of any wrongdoing.

In a statement which he read, Pannone said that Stalker did not understand what the alleged disciplinary offense was, and that the report he was given did not enlighten him. In the heading to the report, the words "allegation" and "complaint" had been deleted, he said.

The report said that Stalker had been on holiday with Taylor and the holiday or holidays might have been at Taylor's expense; that between 1982 and 1985 Stalker attended four functions with Taylor at which convicted persons were present; and that Taylor was an associate of named criminals and Stalker should therefore have ceased his association with him.

Stalker agreed that he had attended the four functions referred to in Sampson's report—a 50th birthday celebration, a fund-raising occasion for Swinton Rugby League Club, a Conservative ball, and 20th wedding anniversary.

Stalker said he did not think it unwise to have attended functions at which criminals were present. "One of the risks that senior policemen, judges, solicitors, journalists, take is that when attending well-attended functions, there is more than likely to be someone there you wouldn't necessarily want to bring home."

He said he was totally innocent of any wrongdoing. The association with criminals hurts me greatly after 30 years of police work. I have never associated with criminals wrongfully." Most of those 30 years had been as a detective.

Stalker said that his relationship with Taylor had not been as close as people had perhaps been led to believe. "Over the last three or four years, I have seen him perhaps five or six times a year, because I'm busy and he's busy. When we do see each other we enjoy each other's company very much, and I don't regret having pursued that."

A number of British newspapers have editorially questioned Stalker's suspension. Several have alleged that the suspension came about because his report on the RUC (Northern Ireland police) called for the charging of senior RUC officers with operating a "shoot to kill" policy in Northern Ireland.

POLITICS IN ULSTER TURN A SPOTLIGHT ON THE POLICE

(By Francis X. Clines)

BELFAST, NORTHERN IRELAND, July 13—In the heat of still another night of sporadic confrontation and violence, the police force of Northern Ireland quietly indicated Saturday at midnight just how beleaguered it has become in the treacherous politics of a divided Ireland.

Leaders of the force announced the suspension of two senior officers in the investigation into charges that the police might have victimized unarmed Roman Catholics in "shoot to kill" excesses directed at Irish Republican Army terrorists four years ago.

The action was the first to be announced against ranking policemen in the long simmering controversy about the force, which is formally known as the Royal Ulster Constabulary.

It was an instant flag to both sides in the sectarian struggle. In the absence of a full-fledged political life because of the province's dependence on England, the behavior of the local police in life-and-death confrontation is often the main stuff of debate.

WIDESPREAD SCRUTING

The Ulster police are being scrutinized as well by the Governments in London and Dublin. For the fairness and ability to function by the 8,000-member constabulary could be is a measure of the chances of the new British-Irish agreement to take root in the stony ground of Northern Ireland's sectarian enmity.

The agreement allows the Dublin Government a consultative voice in Northern Irish affairs, particularly in matters of justice. This is a token step that has nonetheless enraged Protestant loyalists devoted to British allegiance.

In terms of police sensitivity, the timing and wording of the suspension announcement was revealing, for it was issued late Saturday night, too late for the Protestant majority to discover in Sunday editions to the Belfast newspapers.

The announcement came at the end of a day in which Catholics accused the police of yielding their neighborhood to parading Protestant "bully boys;" a day in which Protestants denounced the police as pro-Catholic while loyalist toughs battled officers in the streets of Portadown, and a day in which the police themselves clearly chafed at the necessity of investigating their own past behavior.

REPUTATION IS "MALIGNED"

"The reputation of the R.U.C. has been unjustly maligned," said its commander, Sir John Hermon, in denouncing the months of speculation surrounding the force's much criticized effort to investigate the 1982 killing of six unarmed Catholics.

Equal treatment by the police is at the heart of many rights complaints from Catholics, and now Protestant militants have begun beating and burning policemen, contending they have been favoring Catholics in response to pressure from London and Dublin.

The cliche about a policeman's unhappy lot seemed never truer than in Portadown this weekend. As they arrived at one point to protect a Catholic nationalist ghetto from Protestant loyalists fire-bombs, the police vans were stoned and kicked by Catholic youths apparently settling old scores and angry that the community was so vulnerable.

LINE-OF-DUTY DEFENSE

In the 1982 incidents, critics charged that the police set up retaliatory ambushes against unarmed Catholic suspects. But the policemen involved pleaded line-of-duty defense against suspected terrorists in a province in which the police, on the job and in their homes, have been principal targets of I.R.A. assassins.

Only last week, two gunmen approached an off-duty officer working in a field and shot him dead as his 12-year-old son watched. Loyalist terrorists in turn killed a Catholic civilian a few days later.

Action against the senior officers was recommended over a year ago by John Stalker, a constable detective from England who was put in charge of the inquiry but was later removed after an unrelated and thus far vague disciplinary inquiry.

Critics have said that Mr. Stalker was close to embarrassing findings and was removed in an attempt at whitewash by British officials sensitive to roiling Ulster loyalists. Downing Street, which reimposed direct rule in Ulster 14 years ago when law and order problems reached critical proportions, disowned any such intrusion.

Here, amid the hard streets and picturesque dales where northern politics is acted out, the suspension announcement seems likely to prompt fresh denunciations of the British-Irish pact from Protestant activists. They worked hard against the pact this weekend to get the police to ease their ban on Protestant marches through Catholic neighborhoods.

They succeeded to the extent that Catholics accused the police of yielding unjustly to majority pressure and undermining the pact's chances. In having to defend their actions in the mean streets of Irish politics, the constabulary police are left with whatever comfort lies in being denounced with equal vehemence by both parts of their community.

[From the Washington Post, July 13, 1986]

MARCHES PEACEFUL IN ULSTER—FACTIONAL STREET CLASHES RENEWED AS NIGHT FALLS

(By Karen DeYoung)

BELFAST, July 12.—After a night of violence throughout Northern Ireland that left at least 100 persons injured, half of them police officers, the most important day in the Protestant "marching" calendar passed in relative peace today.

As darkness fell tonight, however, new street clashes began between Protestant and Catholic youths, and between police and Protestants in a number of areas.

In a separate development, the Royal Ulster Constabulary, the province's police force, announced tonight the suspension from duty of two men, believed to be senior officers. The suspensions, according to a terse constabulary announcement, were based on recommendations of an independent British police inquiry into an alleged RUC "shoot-to-kill" policy against suspected Catholic terrorists that left six unarmed men dead in 1982.

Tens of thousands of Protestants took to the streets in 19 towns and cities in the province this morning to commemorate their forefathers' victory over the Catholics in the 1690 Battle of the Boyne. Organized by the Orange Order, the Protestant civic and social lodges that blanket the province, the marches are lengthy processions of fife and drum bands and lodge members wearing traditional bowler hats and carrying furled umbrellas.

Painted banners carried at the head of each lodge group commemorated battles won by William of Orange against the Catholic James II nearly 300 years ago. Many had slogans such as "Defense Against Popery;" most included a depiction of William himself, dressed in a red coat and plumed hat, astride a prancing white charger with his sword held aloft.

March routes were fortified with a strong police presence, backed by British Army troops. But the atmosphere in most places was festive, more akin to American Independence Day parades than the battlegrounds British authorities had feared.

Catholic political leaders, however, sharply protested a police decision late last night to allow Protestants to march today through Catholic neighborhoods in Portadown, a partial reversal of a police ban announced last week.

The decision seemed likely to set back government efforts to convince minority Catholics that the predominantly Protestant constabulary is a nonsectarian force willing to defend their interests.

"Depoliticizing" the constabulary, and overcoming widespread Catholic suspicion based on incidents like those under the alleged "shoot-to-kill" policy in 1982, are among the principal goals of the Anglo-Irish agreement signed last November by the governments of Britain and Ireland. The agreement, which gives Dublin a consultative voice in running the province on behalf of the Catholics, is despised by the Protestant majority, which has vowed to destroy it.

The rerouting of last year's Portadown march led to the first of what have now become regular clashes between Protestants and police that have increased in ferocity and frequency—as have killings of police and soldiers by the Irish Republican Army since the agreement was signed.

John Hume, leader of the predominantly Catholic Social Democratic and Labor Party, called the police reversal on this

year's Portadown parade a "victory for the bullyboys and cudgel carriers."

Brian Lennon, a Catholic priest in Portadown, said that "people are furious" over the decision. "There is no respect being shown for the Catholic or nationalist identity in this province."

Catholics living along the Garvachy Road in Portadown stayed indoors, their sidewalk lined shoulder to shoulder with police, as about 400 Orange Order marchers walked by this morning.

Although the parade passed without incident, surrounding streets still were littered with the debris of a night of rioting.

After the Portadown march local Orangemen and their bands headed for another parade in nearby Armagh, the county seat. There, the atmosphere was noticeably cheerful, with thousands of families turned out in their best clothes to cheer.

Even at the most festive parades, however, there was little willingness by many Protestants to forget what they see as the threat posed by the Anglo-Irish agreement.

Most seemed to share the views of Jack Hobson, a retired milkman, and his wife Doris who positioned their lawn chairs on a traffic island in the middle of Armagh's main street today for a good view of the march.

"There is no use in beating around the bush," Doris Hobson said. The purpose of the agreement—although heatedly denied in both Dublin and London—"is to get a united Ireland" under Catholic rule from Rome. The British government, she said, "is trying to sell us out."

Jack Hobson agreed. The Protestants, he said would stand up for their rights, even if it took violence: "We've done it before."

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